

7137. Also, petition of Charles W. Briles, director vocational education, Oklahoma City, Okla., in support of House bill 12241, vocational education bill; to the Committee on Education.

7138. Also, petition of American Association of Engineers, Oklahoma City, Okla., by the secretary, R. F. Danner, in support of House bill 6518; to the Committee on the Civil Service.

7139. By Mr. GREEN: Petition of 13 citizens of Fernandina, Fla., advocating passage of bill for relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7140. By Mr. HALE: Petition from 54 citizens of Atkinson, N. H., urging the passage of legislation providing for increase of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7141. By Mr. HUDSPETH: Petition of Council of Catholic Women, of El Paso, against enactment of Curtis-Reed bill; to the Committee on Education.

7142. By Mr. KERR: Petition from Charlotte chapters, Reserve Officers' Association of the United States, and the American Legion Auxiliary, Hornet Nest Unit, both of Charlotte, N. C., indorsing the Capper-Johnson bill; to the Committee on Military Affairs.

7143. By Mr. KVALE: Petition of several residents of Minneapolis, Minn., urging passage of House bill 11998, dog exemption bill; to the Committee on the Judiciary.

7144. Also, petition of Clifford Anderson, Montevideo, Minn., urging passage of House bill 11998, dog exemption bill; to the Committee on the Judiciary.

7145. By Mr. LINDSAY: Petition of Polish Army Veterans' Association of America, Chicago, Ill., urging passage of House bill 8273, referring to an amendment of the act to admit to the United States and to extend naturalization privileges to alien veterans of the World War; to the Committee on Immigration and Naturalization.

7146. Also, petition of Surfmen's Mutual Benefit Association, Elizabeth City, N. C., urging support of House bill 12032, providing for readjustment of pay of warrant officers in the Navy and Coast Guard; to the Committee on Naval Affairs.

7147. Also, petition of the Grasselli Chemical Co., New York City, protesting against the passage of House bill 8127, which seeks to transfer from the War Department to the Department of the Interior the control of harbors and rivers and the jurisdiction over navigable waters; to the Committee on Military Affairs.

7148. By Mr. O'CONNELL: Petition of the Mailers Union No. 6, International Typographical Union, New York City, favoring the passage of the Griest postal bill; to the Committee on the Post Office and Post Roads.

7149. Also, petition of the Allied Printing Trades Council of Greater New York, favoring the passage of the Griest postal bill; to the Committee on the Post Office and Post Roads.

7150. Also, petition of L. P. Spach, chairman flood relief, American Legion, favoring the passage of the Jones flood relief bill; to the Committee on Flood Control.

7151. Also, petition of the Bindery Women's Union, Local No. 43, International Brotherhood of Bookbinders, of New York and vicinity, favoring the passage of the Griest postal bill; to the Committee on the Post Office and Post Roads.

7152. Also, petition of the United States Customs Inspectors Association, port of New York, favoring the passage of the Lehlbach retirement bill (H. R. 25); to the Committee on the Civil Service.

7153. Also, petition of the Grasselli Chemical Co., New York City, protesting against the passage of the Wyant bill (H. R. 8127) for the transfer from the War Department to the Department of the Interior the control of rivers and harbors and the jurisdiction over navigable waters; to the Committee on Expenditures in the Executive Departments.

7154. Also, petition of the Surfmen's Mutual Benefit Association, Elizabeth City, N. C., favoring the passage of the Britten bill (H. R. 12032) to readjust the pay of warrant officers in the Navy and Coast Guard; to the Committee on Naval Affairs.

7155. By Mr. O'CONNOR of New York: Resolutions adopted at conference of trade-union officers of Greater New York, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7156. Also, resolutions adopted at conference of trade-union officers of Greater New York, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7157. By Mr. PEAVEY: Petition of the members of the Webster Commercial Club, of Webster, Wis., favoring the authorization of the construction of a bridge across the St. Croix River between the Counties of Burnett, Wis., and Pine, Minn.; to the Committee on Interstate and Foreign Commerce.

7158. By Mr. QUAYLE: Petition of Edwin Gould, of New York City, appealing for liberal treatment of budget of the Virgin Islands; to the Committee on Appropriations.

7159. Also, petition of the Grasselli Chemical Co., of New York City, protesting against the passage of the Wyant bill (H. R. 8127); to the Committee on Rivers and Harbors.

7160. Also, petition of Surfmen's Mutual Benefit Association, of Elizabeth, N. C., urging the passage of House bill 12032 to readjust the pay of warrant officers in the Navy and Coast Guard; to the Committee on Naval Affairs.

7161. Also, petition of the State Camp for Veterans, of the State of New York, protesting against the passage of House bill 12204, providing for the transfer of the State Camp for Veterans at Bath, N. Y., to the Veteran's Bureau; to the Committee on World War Veteran's Legislation.

7162. Also, petition of the National Fertilizer Association, Washington, D. C., with reference to Muscle Shoals bill; to the Committee on Military Affairs.

7163. Also, petition of the Western Fruit Jobbers Association of America, Chicago, Ill., with reference to Mexican immigration restrictions; to the Committee on Immigration and Naturalization.

7164. By Mr. RAMSEYER: Petition of Elm Grove Woman's Christian Temperance Union, Oskaloosa, Iowa, urging passage of the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7165. Also, petition of citizens of Brooklyn, Iowa, urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

7166. By Mr. SINCLAIR: Letters from V. M. Antonius and Arthur Kateley, Crosby, N. Dak., and from Judge John H. Lewis, Minot, N. Dak., protesting against the Oddie bill; to the Committee on the Post Office and Post Roads.

7167. By Mr. SWEET: Petition of J. C. Rasbach, of Canastota, N. Y., favoring the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7168. By Mr. WINTER: Resolutions re House bill 9956, from V. E. Farmer, commander, Engstrom-Duncan Post, No. 22, the American Legion, Rawlins, Wyo., and C. L. Carter, president the Lions Club, Sheridan, Wyo.; to the Committee on Irrigation and Reclamation.

SENATE

TUESDAY, April 24, 1928

(Legislative day of Friday, April 20, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 205. An act to authorize the Secretary of the Treasury to pay the claim of Mary Clerklin;

S. 463. An act for the relief of David J. Williams;

S. 484. An act for the relief of Joe W. Williams;

S. 802. An act for the relief of Frank Hanley;

S. 1377. An act for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy;

S. 1428. An act for the relief of R. Bluestein;

S. 1848. An act for the relief of Frank Dixon;

S. 2008. An act for the relief of the parents of Wyman Henry Beckstead;

S. 2442. An act for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy;

S. 2926. An act for the relief of the Old Dominion Land Co.;

S. 3366. An act to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from funds held in trust for them by the United States;

S. 3506. An act for the relief of the owners of the British steamship *Larchgrove*;

S. 3507. An act for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection & Indemnity Association (Ltd.); and

H. R. 11020. An act validating certain applications for and entries of public lands.

SUPPLEMENTAL ESTIMATE FOR LEGISLATIVE ESTABLISHMENT—
SENATE (S. DOC. NO. 88)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, United States Senate, fiscal year 1929, in the sum of \$7,496, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, the pending question being on the amendment of Mr. BLAINE, as modified.

Mr. BORAH obtained the floor.

Mr. CURTIS. Mr. President, will the Senator yield to me that I may suggest the absence of a quorum?

Mr. BORAH. I yield.

Mr. CURTIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Kendrick	Reed, Mo.
Barkley	Edge	Keyes	Robinson, Ind.
Bayard	Edwards	King	Sackett
Bingham	Fletcher	La Follette	Schall
Black	Frazier	Locher	Sheppard
Blaine	Gerry	McKellar	Shortridge
Blensie	Glass	McLean	Simmons
Borah	Goff	McMaster	Smith
Bratton	Gooding	McNary	Smoot
Brookhart	Gould	Mayfield	Stephens
Broussard	Greene	Metcalf	Swanson
Bruce	Hale	Moses	Thomas
Capper	Harris	Norbeck	Tydings
Caraway	Harrison	Norris	Tyson
Copeland	Hawes	Nye	Walsh, Mass.
Couzens	Hayden	Oddie	Walsh, Mont.
Curtis	Heflin	Overman	Warren
Cutting	Howell	Phipps	Waterman
Dale	Johnson	Pittman	Wheeler
Deneen	Jones	Ransdell	

Mr. LA FOLLETTE. I desire to announce that the Senator from Minnesota [Mr. SCHALL] and the senior Senator from Iowa [Mr. STECK] are engaged in the Committee on Post Offices and Post Roads.

Mr. JONES. I was requested to announce that the junior Senator from New York [Mr. WAGNER] is engaged in the Committee on Public Lands and Surveys.

Mr. CARAWAY. I wish to announce that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is still detained from the Senate by reason of illness.

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present. The Senator from Idaho is entitled to the floor.

Mr. EDWARDS. Mr. President, will the Senator from Idaho yield to me for a brief statement?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. BORAH. I yield.

NEW JERSEY DELEGATES TO DEMOCRATIC NATIONAL CONVENTION

Mr. EDWARDS. Mr. President, I rise to a point of personal privilege.

On Thursday of last week the senior Senator from Alabama [Mr. HEFLIN] hurled certain charges in the face of New Jersey Democracy, which I feel should be answered.

The Senator from Alabama said:

But, Mr. President, a strange political campaign is on—political tricks of the trade that Mark Hanna in his palmest days never thought of are being employed by the Smith forces. In my judgment a large corruption fund is back of Al Smith in this campaign. His leaders are quietly moving around and quietly and strangely slipping over delegates in States where the rank and file of the party in those States stand against him usually 8 out of every 10 votes. How are they reaching and influencing these delegate manipulators? How are they getting them? Listen to this from the Trenton Evening Times:

"Hague ties up delegates by agreeing to pay bills. Expense may be \$100,000, but mayor assumes it in exchange for Smith votes. All go free to the convention.

"In exchange for a written pledge to stand by Gov. Al Smith for President to the bitter end, Mayor Frank Hague, of Jersey City, has agreed to defray all traveling and hotel expenses for the New Jersey delegates to the Democratic National Convention at Houston, Tex., in June. The list is to include not only delegates and alternates but wives and friends to the number of approximately 75. The party may go by special train or by boat, and a conservative estimate of the cost will be from \$75,000 to \$100,000.

"There is naturally some interest as to how Hague, whose salary is only \$10,000 a year, will be able to foot such a bill. Whether the sign-

ing by the delegates of a written pledge to take orders from Hague at Houston in return for having their bills all paid is in violation of the corrupt practice act is another matter for speculation. The corrupt practice act contemplates that the only money that can be expended in the interest of a candidate must be spent by the officially named manager for such candidate."

Senators, are you learning any politics from this bold and brazen eastern escapade? Hague is not Smith's manager. That is, he has not been designated as such publicly. It seems that anybody they can reach in the East is attending to this thing. A few people are gotten in a room. Delegates and their families are gathered up; a State is traded off and hog tied. They sign on the dotted line. They pledge themselves to vote for Smith to the bitter end if so much money is put up, and so forth, expenses, hotel bills, taken on a trip to Houston, and stand ready to come at the beck and call of the mayor, Mr. Hague, for Al Smith.

I want Governor Smith's henchmen summoned to bring down Mayor Hague and ask him where he got this money; ask him who authorized him to expend \$100,000 for one delegation to a national convention; ask them why they are violating the corrupt practices act, if they are violating it. Let us be the judges of that; and ask them what they are doing, and let us decide whether or not they are violating it.

The above is taken from the CONGRESSIONAL RECORD of April 19.

Mr. President, the remarks of the senior Senator from Alabama [Mr. HEFLIN] are untrue from beginning to end, and if the Senator had wished to be fair in the premises he could have easily ascertained the falsity of the statement before it was made on the floor of this Chamber.

In this connection, I send to the desk a telegram received from Mr. Joseph J. Collins, secretary to Mayor Hague, and ask that it be read by the clerk.

The VICE PRESIDENT. The clerk will read, as requested. The Chief Clerk read as follows:

JERSEY CITY, N. J., April 19, 1928.

EDWARD I. EDWARDS,

United States Senate, Washington, D. C.:

Your wire received. The following statement was issued by Mayor Hague when Newark News published story about expenses New Jersey delegation on April 9:

"These stories in the Newark Evening News published this afternoon, which purport to say that delegates from New Jersey to the Democratic National Convention were promised their expenses to Houston and return if they pledged themselves to vote for Governor Smith for the Democratic nomination for President, are not alone ridiculous but untrue. The list of delegates which has been filed is representative of the best among the citizenship of New Jersey. Every delegate should and will resent this absurd imputation. The prospective delegates who attended the luncheon at the Biltmore Hotel last week were unanimous, so far as sentiment was concerned, in declaring for Governor Smith's candidacy. No delegate from New Jersey needs or desires any financial guaranty to vote for Governor Smith's nomination, and their opinion of a choice for the Presidency certainly can not be purchased with a railroad ticket."

JOSEPH J. COLLINS, Secretary.

Mr. EDWARDS. Mr. President, my name is on the list of delegates at large which has been filed for representation of the State of New Jersey at the Houston convention in June, and inasmuch as I am not opposed, I presume I shall be elected and I shall probably attend the convention. I attended the luncheon at the Biltmore Hotel, New York, mentioned by Mr. Collins in the telegram just read, and I can assure the Senator from Alabama and the Senate that there was no suggestion of any kind made to pay any expenses of any delegate. There is no one mentioned as a probable member of the delegation from the State of New Jersey to the Democratic National Convention who would allow such a suggestion to be made. Each and every member of the New Jersey delegation is able and willing and desirous to go to the convention and will pay his or her own way without financial assistance from either Mayor Hague or Governor Smith. There is no man in the State of New Jersey who has ever paid my fare anywhere and there never will be; nor will they ever change my opinion when I am once set, and I get that way very frequently.

I have no objection to the senior Senator from Alabama opposing with all his might and main the presidential aspirations of Gov. Alfred E. Smith. He has just as much right to oppose Governor Smith's candidacy as I have to encourage and indorse it, but let him be fair and just in his opposition; let him at least tell the truth.

Charges made by the Alabama Senator against the New Jersey delegation were somewhat similar to those made against the delegation recently chosen in the State of Iowa. The honest Democrats of Iowa repudiated the charges flung at them

by the Alabama Senator, and in the name of the State of New Jersey I now do likewise.

Let me repeat that the unfair and libelous charges hurled at Mayor Frank Hague and the Democrats of New Jersey by the Alabama Senator are untrue and I herewith challenge Senator HEFLIN to substantiate them, either in whole or in part.

Mr. HEFLIN. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I did not know there was dynamite in this matter when I yielded. I understood that there was to be something in the nature of a personal statement. I am going to take only a few moments.

Mr. HEFLIN. I think the Senator should yield to me for just four or five minutes. I will not take more time.

Mr. BORAH. Very well; I yield to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I am glad to have had the statement from the distinguished Senator from New Jersey [Mr. EDWARDS]. I am glad to know that nobody is going to pay his expenses. I have never said that anybody was going to pay his expenses to the convention at Houston. I can not quite understand how he gets so excited and stirred over an article which I read in the Senate from a newspaper published in his own State. The Senator should go to the newspaper that published the statement. I took the statement from the public press. The statement set out that Mayor Hague was going to pay the expenses of the New Jersey delegation and take them and their families to Houston and that it would cost probably \$100,000. What a delightful picnic occasion such a trip would be!

The Senator from New Jersey takes offense at what I have said. I have not vouched for the truthfulness of the statement of the New Jersey newspaper. I simply read the statement. It is strange that the newspaper publishing the statement would do so if it were not true. It is hard to believe that this newspaper man would just hatch it out of his own imagination.

So far as the Senator from New Jersey himself is concerned, I accept his statement that they are not going to pay his expenses, but, unless he has conferred with each of the other delegates, I do not see how he knows exactly what sort of arrangements have been made with them.

The tactics of the Al Smith régime deserve the condemnation of all honest Democrats. There are a few leaders of the Democratic Party who do not believe that money is being corruptly used and very lavishly used by the Smith crowd. I do. I think the most secretive and corrupt campaign from the standpoint of the use of money is going on now in behalf of Governor Smith. I think there are earmarks of it in North Carolina, a Southern State. Bought-up weekly and daily newspapers in the various States are throttling and stifling the vehicles that carry information to the people. They are swamping candidates with the enormous amount of money that they are using. Senators have never seen such a situation in the Democratic Party in all their lifetimes—one man by the use of his corrupt machine—Tammany—with the vast amount of money they have got back of them, some coming from abroad and some contributed by the whisky interests in the United States, endeavoring to obtain the Democratic nomination, and other Democratic candidates are fearing to come out and run for the Presidency in the face of such dark-lantern tactics. I condemn those tactics. I want to see a resolution passed by the Senate calling the agents of the various presidential candidates before it in order to interrogate them.

Let me read to Senators a letter from California, where this dangerous, corrupt, and contemptible work is going on. The letter is addressed to myself, and reads as follows:

DEAR MR. HEFLIN: Inclosed find a clipping from a newspaper of an ad of Al Smith as a candidate for President. These ads have been running in the papers most of the month of March. Who is putting up the money for all this advertising? If they are running all over the United States, it will take millions of dollars. Is the Pope putting it up? He gets more money from the United States every year than from all Europe combined. The Republican Catholics all around the San Francisco district have registered this year as Democrats in order to vote for Smith at the primary election May 1. Are the Democrats of the United States going to swallow Smith and the Roman Papacy? Smith is too big a bigot to send his children to the public schools. The Pope has control of Mexico, Central and South America. If he gets hold of the United States he will own all of America. Then we will be like some of the other republics; when one cutthroat lays down the torch of revolution another cutthroat will take it up.

This clipping is from the Mercury Herald, San Jose. Every paper in the United States is afraid of the Irish Catholics. That gives them a wonderful pull in this country. Well, good luck to you.

Yours truly,

G. D. CUMMINGS.

Here [exhibiting] is the advertisement, Senators, appearing in all the newspapers of California for a month or more. It takes a lot of money to carry advertisements such as that. I repeat the question propounded to me by the writer of the letter: "Who is putting up all this money?" And I reserve the right, I want to say to the Senator from New Jersey, to read what I please to read in the Senate from newspapers, and I am responsible for reading them in the Senate and commenting on them as I see fit. That is a Senator's privilege.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, the pending question being on the amendment of Mr. BLAINE, as modified.

Mr. McKELLAR. Mr. President, will the Senator from Idaho yield to me for a moment?

Mr. BORAH. I yield.

Mr. McKELLAR. Mr. President, I understand that the naval appropriation bill is going over until to-morrow. I wish to offer the amendment which I presented on yesterday as a substitute for the so-called Blaine amendment and have it pending. I ask that that may be done.

The VICE PRESIDENT. The amendment in the nature of a substitute will be printed and lie on the table.

Mr. BORAH. Mr. President, since adjournment last evening I have given what consideration I could in point of time to the amendment which was proposed at the close of the session. The amendment to the amendment proposed by the Senator from Nevada [Mr. PITTMAN] reads as follows:

Provided, That such limitation shall not apply in the case of actual physical attacks upon American citizens or their property, or the immediate danger of such attacks, at any time when the forces of the United States may be used by the President for strictly protective purposes without the consent of Congress, and appropriations may be used to pay the expenses of such protective action.

There are two matters to which I desire to call the attention of the Senate. In the first place, I find that we have a number of treaties, and I have been unable to determine for myself what effect this proposed amendment will have upon the obligations which we have assumed under those treaties. We have a treaty with Haiti which authorizes and, in fact, in which we agree to assist in creating and maintaining a constabulary in Haiti and in keeping order for the purpose of enabling the Haitian Government to go forward with a certain program which is outlined in the treaty. There are now about 700 marines in Haiti; they are there under the treaty; it can not be said that they are there purely for the purpose of protecting citizens against threatened attack. I am unable to say at this time just how we could avoid affecting the treaty by this amendment.

We also have a protocol with China by which we keep certain marines in Tientsin and other places under the protocol growing out of the Boxer rebellion.

We have a treaty with Panama under which we are authorized to use our troops for the purpose of maintaining order.

We also have a treaty with Cuba under which, under certain conditions, we are permitted to use our armed forces in Cuba.

I desire, Mr. President, time to examine these treaties in the light of this amendment. My opinion at the present time is that the amendment would conflict with our obligations under the treaties.

There is another matter to which I desire to call the attention of the Senate; and that is, I particularly desire to ask the Senator from Nevada what would be the effect of this amendment with reference to the President using forces for the purpose of protecting life and property. Would it be necessary, under the amendment, to have the approval of the Comptroller General before making use of troops?

Mr. PITTMAN. Mr. President, I take it that this whole amendment—the original amendment and the amendment that was offered by me yesterday—means nothing more or less than a resolution would have meant if reported by the Foreign Relations Committee and adopted by this body.

Mr. BORAH. That is what I understood the Senator to contend.

Mr. PITTMAN. It was necessary, as a piece of legislative strategy, to put the resolution in the form of a limitation on the appropriation. Otherwise, it would have been subject to a point of order. All that the amendment I have offered attempts to express is the constitutional authority of the President of the United States.

As I have stated before, it is perfectly evident that if anyone attempted to interfere with the constitutional authority of the President of the United States either by withholding money that was appropriated or in any other way the act would be contrary to the Constitution and void. I do not think the Comptroller General, Mr. McCarl, would attempt to pass on the constitutional authority of the President; but if he should attempt to pass on the constitutional authority of the President, I do not think there is any question but that he would admit that it is within the power of the President to use the armed forces to repel an attack or to prepare to repel an attack.

In other words, I do not believe that the appropriation has anything on earth to do with this subject. I do not think there will ever be any action with regard to any appropriation. I think this amendment is simply a statement of the policy of the United States Senate, just exactly as if it had come in the form of a resolution from the Foreign Relations Committee.

It says in the first part of this amendment, as presented by the Senator from Wisconsin [Mr. BLAINE], in effect, that it is the sense of the Senate of the United States that the President has not any right to use the armed forces of this country for belligerent intervention in the affairs of a foreign nation. There is no doubt, to my mind, that he has not any right to do that. The amendment further states that he has not any right to use our armed forces in any intervention in the domestic affairs of any foreign nation. I think that is good policy.

As to the treaty proposition, however, is the taking of troops into a country by virtue of a treaty an intervention? It may be or it may not be. The word "intervention" has a meaning. When there is an agreement to bring troops into a country under a treaty I do not think it constitutes an intervention; but as to the amendment, I will say that I had no purpose or intent to have it affect treaties. I simply desired this amendment not only to express the sense of the Senate as to what we thought the President had no constitutional authority to do without the action of Congress but also frankly in the same expression to admit what constitutional authority he has. In other words, it would be bad policy to pass a resolution saying that in our opinion he had no right to use our armed forces to interfere in the domestic affairs of another country; that he had no right to intervene belligerently; that he had no right to commit a hostile act against a friendly country and stop there. That is the expression of the Senate as to what he should not do; and then we state in the very next proviso that he has the constitutional authority to use our armed forces to repel attack against our citizens or a threatened attack anywhere. Here is what we admit to be his authority. There is what we deny to be his authority.

As a matter of fact, there are but two practical remedies against the President of the United States. One is impeachment for willful violation of his constitutional authority. The other is by defeat at the hands of the electorate of the country. To my mind, it is perfectly useless to talk about any minor officer of this country attempting to prevent the President of the United States from doing whatever he determines to do. If the President of the United States thought he was carrying out his constitutional authority, and Comptroller General McCarl or any one other officer should attempt to interfere, the President would probably remove him. It will be remembered that the Supreme Court has held that Congress can not deprive the President of the power of removing one of his appointees.

Mr. BORAH. I do not agree with that. If the Congress of the United States should really delegate to the Comptroller General the authority to pass upon a particular appropriation, it would be the duty of the Comptroller General to follow out the law; and it would be a high-handed proceeding upon the part of the President to dismiss an officer for obeying the law of the land.

Mr. WHEELER. Mr. President, will the Senator yield for a question?

Mr. BORAH. Yes.

Mr. WHEELER. Does not the Comptroller General have that power at the present time; and, as a matter of fact, should he not disapprove of the allowance of money where it is in violation of the President's constitutional power?

Mr. BORAH. What I am interested in now is whether under this amendment the Comptroller General would pass upon the question of whether the troops were being used to protect life and property or whether the President would be the judge. I

do not desire to substitute the Comptroller General's judgment for that of the President's.

Mr. PITTMAN. Just one other observation, and that is this: I think the Comptroller General to-day has the right to refuse to approve of the use of any money that he believes is being used contrary to the Constitution of the United States. That is what this matter deals with.

As to the treaty situation, it may be that the amendment as originally presented by the Senator from Wisconsin [Mr. BLAINE] might bear on acts under our treaties. I do not believe that the amendment offered by me has any effect on that question at all. It deals with an entirely different one; and it is for the Senator or some one else to consider whether or not any additional amendment should be offered.

Mr. FLETCHER. Mr. President, I should like to direct the Senator's attention to this provision in the amendment, which seems to me somewhat ambiguous and somewhat involved:

None of the appropriations made in this act shall be used to pay any expenses incurred in connection with * * * any intervention in the domestic affairs of any foreign nation.

That may be a perfectly friendly intervention, an invited intervention; it may be in pursuance of a treaty; and yet, under this amendment, none of the money appropriated by the bill could be used to pay for intervention in pursuance of a treaty in Haiti, or in Panama, or in China, and so forth.

Mr. BORAH. I am quite clear that there are certain provisions of these treaties which would be contravened by this amendment. It may be that the amendment can be reformed so as not to interfere with these treaties, but I desire myself to examine that question in the light of the treaties.

Mr. CURTIS. Mr. President, if the request of the Senator from Idaho is granted, I understand that the Senator from Wyoming [Mr. WARREN] desires to proceed with the legislative appropriation bill; and I give notice that after that, if the afternoon is not consumed, I shall ask unanimous consent to proceed with unobjectioned bills on the calendar.

Mr. DILL. I should like to have about five minutes.

Mr. CURTIS. Will the Senator let us take up the legislative bill?

Mr. DILL. I am perfectly willing to have that done if I can obtain the floor before a speech is made on some other subject. I shall take only about five minutes. I want to insert some matters in the Record and comment briefly on them.

Mr. NORRIS. Mr. President, I desire to offer a substitute for the amendment to the naval appropriation bill on the Nicaraguan question offered by the Senator from Wisconsin [Mr. BLAINE]. I ask that it be printed and lie on the table.

Mr. ASHURST. Let it be read.

Mr. NORRIS. Several Senators have requested that the amendment be read, so I make that request.

The PRESIDING OFFICER (Mr. McNARY in the chair). The clerk will read the amendment.

The CHIEF CLERK. As a substitute for the modified amendment of the Senator from Wisconsin [Mr. BLAINE], on page 53, after line 17, insert:

By Mr. NORRIS as a substitute for Mr. BLAINE'S modified amendment: "Provided, That after February 1, 1929, none of the appropriations made in this act shall be used in Nicaragua to pay any expenses incurred in connection with acts of hostility against that nation, or any belligerent intervention in the affairs of that nation, or any intervention in the domestic affairs of that nation, unless war has been declared by Congress: *Provided*, That such limitation shall not apply in the case of actual physical attacks upon American citizens or their property, or the immediate danger of such attacks, at any time when the forces of the United States may be used by the President for strictly protective purposes without the consent of Congress, and appropriations may be used to pay the expenses of such protective action.

"The words 'acts of hostility,' and the words 'belligerent intervention,' shall include within their meaning the employment of coercion or force in the collection of any pecuniary claim or any claim or right to any grant or concession for or on behalf of any private citizen, copartnership, or corporation of the United States against the Government of Nicaragua, either upon the initiation of the Government of the United States, or upon the invitation of any official or other person claiming to be an official of Nicaragua."

The VICE PRESIDENT. The amendment will lie on the table and be printed. Is there objection to the request of the Senator from Idaho to postpone the further consideration of the naval appropriation bill until to-morrow? The Chair hears none, and it is so ordered.

APPROPRIATIONS FOR LEGISLATIVE BRANCH

Mr. WARREN. Mr. President, I understand that the naval bill is to be laid aside temporarily.

The VICE PRESIDENT. By unanimous consent, the naval appropriation bill has been temporarily laid aside until tomorrow.

Mr. WARREN. I wish to call up House bill 12875, the legislative appropriation bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I ask unanimous consent that the formal reading of the bill may be dispensed with, and that it may be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Without objection, it is so ordered.

INTERSTATE COMMERCE COMMISSIONER JOHN J. ESCH

Mr. DILL. Mr. President, a few weeks ago the Senate refused to confirm the nomination of Commissioner Esch, of the Interstate Commerce Commission. He has continued to serve in face of the fact that confirmation was refused. I was interested, for my own information, in learning by what authority he continues to serve as a member of the Interstate Commerce Commission and draw his pay.

I found, on investigation, that his right to serve was based upon the provisions of the Constitution, supported by two decisions. One was the decision of the Attorney General in 1830, bearing on this subject, when J. McPherson Berrien was Attorney General of the United States. Under the Constitution, owing to the fact that the President gave Mr. Esch an appointment during the holiday recess, he is permitted to serve until the end of the session of Congress. I have tried to learn whether or not an appointment made following the adjournment of Congress, would be legal.

I understand that it would be like any other appointment made when Congress is not in session, namely, that he might serve, but he could not draw his pay. I ask, therefore, to have inserted in the Record the opinion of the Attorney General delivered April 16, 1830, and following that the opinion of the Comptroller General of the United States, delivered May 7, 1915. Those two decisions seem to be the only decisions on this question.

The PRESIDING OFFICER (Mr. McNARY in the chair.) Is there objection?

There being no objection, the opinions were ordered to be printed in the Record, as follows:

[From opinions of Attorneys General, United States, 1791 to 1838; Executive Document No. 55, House of Representatives, Thirty-first Congress, second session, pp. 701-703]

COMMISSIONS GRANTED DURING RECESS OF SENATE

A commission issued by the President during a recess of the Senate continues until the end of the next session of Congress, unless sooner determined by the President, even though the individual commissioned shall have been meanwhile nominated to the Senate, and the nomination rejected.

The acceptance of a new commission, after confirmation by the Senate of an appointment made during a recess, is a supersedeas of that granted on the original appointment.

ATTORNEY GENERAL'S OFFICE,

April 16, 1830.

SIR: I have the honor to acknowledge the receipt of your communication of yesterday, asking my opinion—

Whether the rejection by the Senate of the nomination of Mr. Isaac Hill to the office of Second Comptroller of the Treasury has vacated the commission granted on the Executive appointment to that office, made during the late recess of the Senate?

Or whether a commission, issued under an executive appointment, continues until the end of the succeeding session of Congress or until another commission shall be issued on a nomination approved by the Senate?

Mr. Hill was appointed, during the last recess of the Senate, to fill a vacancy occurring during the recess. That appointment was made in pursuance of the third clause of the second section of the Constitution, which declares that "the President shall have power to fill all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session." The commission issued to Mr. Hill was, I presume, in conformity with these provisions. It was then a grant of the office to the end of the next session of Congress succeeding its date, subject intermediately, as all such offices are, to the pleasure of the President.

Under the preceding clause of the same section of the Constitution the President is authorized to nominate, and, by and with the advice and consent of the Senate, to appoint all officers of the United States

whose appointments are not otherwise provided for in the Constitution, and which shall be established by law, with a provision, which is inapplicable to the present inquiry, that Congress may vest the appointment of such inferior officers as they may think proper in the President alone, in the courts of law, or in the heads of departments.

In the exercise of the power thus conferred upon the President, Mr. Isaac Hill was, during the present session of Congress, nominated by him to the Senate, and the nomination has been rejected by that body. I apprehend that the commission granted to Mr. Hill, in the recess, remains untouched by this nomination, and the rejection of it.

The limitation, which is affixed to it by the Constitution, is the end of the present session of Congress, unless it be sooner determined by the pleasure of the President. To this the decision of the Supreme Court in the case of the United States v. Kirkpatrick has superadded another limitation. That court has, in that case, decided that the acceptance of a commission, issued after the confirmation by the Senate of an Executive appointment made during the recess, on a nomination to that body of the same individual, is a virtual superseding and surrender of the commission granted on the original appointment; so that, by force of that decision, if Mr. Hill's nomination had been confirmed, and a new commission had issued under an appointment made in conformity to the advice and consent of the Senate, after the acceptance by him of such new commission, that which he originally held would have been virtually superseded and would not have continued until the end of the present session of Congress; but this would be the result of the concurring acts of the President and the officer: Of the former, in the new appointment consequent to the advice and consent of the Senate; of the latter, in the acceptance of the commission issued under such new appointment.

In the case under consideration, whether the commission of Mr. Hill shall continue until the end of the present session of Congress, or be sooner determined, seems to me to depend on the pleasure of the President. He certainly has the power, by and with the advice and consent of the Senate, to determine it by a new appointment, to take effect immediately. But this power is derived from his right of removal. If he abstains from the exercise of that power—if he delays the nomination until the last day of the session, or nominates immediately, specifying that the appointment is to take effect at the end of the present session—in either case Mr. Hill's commission, undetermined by any act of the Executive will, is left to expire, by its own constitutional limitation, at the end of the present session of Congress.

The following proceedings, which have been adverted to among others, seem to conform to this view of the subject:

On the 5th of March, 1790, Mr. Adams, then President, appointed Eugene Brennan an inspector of the revenue; on the 4th of the following December he nominated that individual to the Senate for the same office; on the 10th of that month the nomination was rejected by that body; and on the 12th of the same month he made a new nomination in the following terms: "I nominate Julius Nicolls, jr., of South Carolina, to be inspector of survey No. 3 in that State in place of Eugene Brennan, whose commission will expire at the end of the present session of the Senate"; and on the 13th the Senate advised and consented to that nomination.

On the 17th January, 1814, Mr. Madison nominated to the Senate as principal assessor for the twenty-eight collection district of New York, Homer R. Phelps, who had been appointed to that office during the recess. On the 24th of that month the nomination was rejected by the Senate, and on the 31st the President nominated sundry assessors, and, among the rest, "Asahel E. Paine for the twenty-eight collection district of New York, in room of Homer R. Phelps," which nomination was confirmed on the 2d of February.

In the first of these cases, Mr. Adams left the officer to enjoy the benefit of the commission granted during the recess, until the end of the then current session of Congress, although his commission was rejected in the early part of that session. In the second, Mr. Madison, conforming to the opinion of the Senate as expressed in their vote of rejection, determined the Executive appointment by appointing a new officer in the room of the person so appointed.

In the first, the President forbore to exercise the power of removal, but left the Executive commission, granted during the recess, to expire by its own limitation. The Executive commission granted in the second case was determined by the exercise of that power.

Upon the whole, I am of opinion that the commission granted during the recess to Mr. Hill will continue until the end of the present session of Congress, unless it be sooner determined by his resignation or by the pleasure of the President.

JN. MACPHERSON BERRIEN.

The PRESIDENT OF THE UNITED STATES.

[From Decisions of the Comptroller of the Treasury, July, 1914, June, 1915, XXI, pp. 789-791]

COMPENSATION OF RECESS APPOINTEES TO OFFICE

Rejection by the Senate of the nomination to the office of United States attorney of a person who had received from the President a recess commission to fill up a vacancy in the said office does not ter-

minate the incumbency under the recess appointment, and the recess appointee is entitled to the salary of the office until his incumbency is terminated by the expiration of the Senate's session or otherwise.

DECISION BY COMPTROLLER DOWNEY, MAY 7, 1915

The Auditor for the State and Other Departments submits for approval, disapproval, or modification his decision of May 4, 1915, as follows:

"This office has before it for settlement a voucher in the account of H. L. Fassett, United States marshal for the western district of New York, for the quarter ended December 31, 1914, representing a payment made by the said marshal to John D. Lynn, United States attorney for the aforesaid district, for salary from December 3 to December 31, 1914, in the sum of \$350.

"The facts in the case are: On December 1, 1914, the Senate not being in session, the President, under authority of the Constitution (Art. II, sec. 2, clause 3), appointed John D. Lynn to be United States attorney for the western district of New York, to fill a vacancy occurring during the recess of the Senate caused by the severance from the attorneyship of the prior incumbent. Mr. Lynn took the prescribed oath of office on December 2, 1914, and entered on duty on December 3, 1914, thereby and thereafter becoming the legal incumbent of the office and lawfully entitled to the compensation of the office under this appointment and until this appointment terminated according to law. The Senate convened on December 7, 1914. While the Senate was in session the President nominated Mr. Lynn to the aforesaid attorneyship (Constitution, Art. II, sec. 2, clause 2). On December 14, 1914, the said nomination of Mr. Lynn was rejected by the Senate.

"The question is, What effect did the rejection of the nomination of Mr. Lynn have upon his tenure of office under his recess appointment, and is he entitled to be allowed the full amount of his salary on this voucher or only from December 3 to December 14, 1914, the date of rejection?

"As far as within the knowledge of this office this question has not received judicial attention.

"The Constitution provides:

"* * * and he (the President) shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors * * * and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; * * * (Art. II, sec. 2, clause 2.)

"The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session." (Art. II, sec. 2, clause 3.)

"At the time the nomination was made Mr. Lynn was the legal incumbent of the attorneyship, and his commission was a valid and subsisting one; his tenure of office would continue until the close of the next session of the Senate unless terminated by the acceptance of a commission issued under an appointment with the advice and consent of the Senate. See *United States v. Kirkpatrick* (9 Wheat. 720).

"If the nomination by the President under clause 2, section 2, Article II of the Constitution had been made to the Senate of some other person for the aforesaid position and had been rejected by the Senate, it seems clear that such action of the Senate would not affect or disturb the commission, tenure, or compensation of Mr. Lynn under his appointment made according to the provisions of clause 3, Article II, section 2 of the Constitution, and that he [Mr. Lynn] would be in the same status as before the rejection of the other person.

"It therefore appears equally clear that the rejection by the Senate of Mr. Lynn's nomination to the full term of office did not terminate his temporary recess appointment, and that he was left in full legal possession of the attorneyship and entitled to the lawful compensation of the office under his recess appointment until the end of the session of the Senate on March 4, 1915.

"This conclusion is supported by the opinion of the Attorney General, as follows:

"A commission issued by the President during a recess of the Senate continues until the end of the next session of Congress unless sooner determined by the President, even though the individual commissioned shall have been meanwhile nominated to the Senate and the nomination rejected." (2 Op. 336, April 16, 1830.)

"The United States court for the aforesaid district appointed Mr. Lynn to perform the duties of the office of United States attorney on March 5, 1915, under the provisions of the act of June 24, 1898 (30 Stat. 487), upon the expiration on March 4, 1915, by constitutional limitation, of Mr. Lynn's temporary or recess appointment, and he has been since, and is now, continuously performing the duties of the attorneyship under this appointment.

"I am of the opinion, and so decide, that Mr. Lynn is entitled to the amount of \$350 salary represented by the voucher, and that Marshal Fassett is entitled to receive credit for the payment."

This decision is approved.

The paragraph relating to the appointment given to Mr. Lynn by the court has no bearing on the question decided by the auditor. No ruling as to Mr. Lynn's right to compensation under the appointment

has been submitted by the auditor, and the approval of his decision carries no inference as to the proper decision of the question of payment involved in the said appointment. The decision otherwise is limited to the facts of this case.

Mr. DILL. When I first began to consider this subject, I had in mind the introduction of some legislation that would prohibit any appointee of the President serving in office and drawing pay after the Senate had refused to confirm him, but an examination of these opinions convinces me that no legislation would be constitutional that attempted to do that; that that can be done only by a constitutional amendment. I therefore do not care to take any more time of the Senate.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. PITTMAN. I understand that the decisions and opinions the Senator is submitting deal with the right of the President to give a temporary appointment during a session of Congress to a former appointee who was not confirmed by the Senate.

Mr. DILL. It is a very peculiar situation. The President may make a recess appointment under the Constitution that will continue until the end of the next session of Congress. If he made it while Congress was in session, it would not continue beyond the refusal of the Senate to make confirmation. But, taking advantage of the holiday recess, the President gave Mr. Esch a new appointment, he having been appointed previous to the recess, and the Senate having failed to act upon his nomination. So, taking advantage of the recess, the President gave Mr. Esch a recess appointment. Under the provision of the Constitution referred to in these decisions, he is permitted to hold his office until the end of this session of Congress, even though the Senate refuses to confirm him.

Mr. PITTMAN. Outside of what might be the technical construction, has the Senator no opinion with regard to the propriety of the President of the United States deliberately attempting to keep some one in office through technicalities who has been rejected by the Senate of the United States?

Mr. DILL. I have an opinion, which I had not intended to express, not only of the President but of any appointee who would continue to serve even if the President asked him to after the Senate had refused to confirm him. It is in violation of the intent and spirit of the Constitution giving the Senate power to confirm appointees of the President. He who violates the spirit of the Constitution is not fit to enforce laws made under that Constitution.

Mr. PITTMAN. That is exactly the expression I wanted, because I have the same opinion.

Mr. DILL. As I said, I had intended to introduce legislation that would make such a thing impossible, but after an examination of these provisions of the Constitution I am satisfied that the only way this could be prevented in the future would be by amending the Constitution of the United States.

Mr. PITTMAN. Of course, there are measures that are still constitutional against the President of the United States if he has violated the Constitution.

Mr. DILL. I do not think he and his appointee have violated the Constitution. I think they have violated the spirit of it by defying the will and power of the Senate.

Mr. PITTMAN. The Senator thinks he has violated the spirit of it?

Mr. DILL. Yes.

Mr. PITTMAN. There are so many of those things heaping up it would make no difference to add a few more.

Mr. McKELLAR. Mr. President, I do not know whether the appropriation bill providing for the Interstate Commerce Commission has actually passed or not, but we could put an amendment on the appropriation bill providing that no part of the fund appropriated should be paid to an official under the circumstances mentioned by the Senator. If we should do that, Mr. Esch would have to serve without pay, and he would not serve long that way.

Mr. DILL. I think this appointee probably would continue to serve.

PETITIONS AND MEMORIALS

Mr. KENDRICK. I present a resolution adopted by Travis Snow Post, No. 5, of Sheridan, Wyo., in favor of the immigration bill known as the Box bill. I ask that the resolution may be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the resolution was ordered to be printed in the RECORD and referred to the Committee on Immigration, as follows:

Resolution

Whereas a bill has been introduced in the House of Representatives known as the Box bill, being H. R. 6465, the purport and intent of

which is to place immigration from countries therein designated on a quota basis such as is applied to other countries; and

Whereas the undersigned being residents of a territory which will be adversely affected by the passage of this bill from the viewpoint of the employer, the sugar and other industries employing Mexican labor; and

Whereas we have made a thorough study and given the matter and the consequences of the passage of the bill due consideration; and

Whereas from such study and consideration we have unanimously come to the conclusion that said bill should be passed for the following reasons, among others, viz:

A. Continued unrestricted immigration of people from the countries above referred to, prolific as they are, except perhaps the Dominion of Canada, will result in cheap labor, lowering the standards of living, will populate and people the western and southwestern portions of the United States with a class which is largely undesirable.

B. The inherent racial color and temperament of the people from Mexico and other southern countries of Indian extraction make it impossible to assimilate them as a part of the citizenry of this country or to transform them into citizens by amalgamation by our so-called melting pot; moreover, an intermarriage with these people will result in a mongrel race.

C. The people referred to as undesirable are of a low moral and intellectual make-up and continue to so remain wherever found.

D. The inevitable result of unrestricted immigration will create a condition and situation such as now exists in our Southern States; in that where the South has now a negro problem the West and Southwest will have its Mexican problem. It is apparent that the impelling motives of the beet industry, truck industry, and other industries seeking cheap labor are willing, as is evidenced by the opposition made to the passage of the bill, to barter away the heritage of our children and our children's children for a mess of pottage. Those testifying before the committee on immigration who opposed the passage of the Box bill, consciously or unconsciously, frankly admitted that their opposition was for mercenary motives only. The present high standards of living enjoyed by the laboring class in this country was obtained only by fighting for and receiving a reasonable wage.

E. That the indorsement previously made by the Lions Club of Torrington, Wyo., of which club one of the undersigned is president, did not express the sentiment of Torrington and community, and the vote of the question was passed by a bare majority of two votes, and those voting in favor of the resolution passed by the Lions Club were practically without exception directly or indirectly associated with the Holly Sugar Corporation, one of the great employers of the Mexican laborers in this country.

F. The further unrestricted immigration of Mexicans in particular should be vigorously opposed, since they live in slovenly settlements and under the most unsanitary conditions, having a tendency to vice and to spread disease and constitute the largest portion of our law violators even though they are but a small minority: Be it therefore

Resolved, That the Travis Snow Post, No. 5, of the American Legion, Department of Wyoming, unanimously go on record as indorsing wholeheartedly the proposed amendment to our immigration law known as the Box bill; be it further

Resolved, That a copy of this resolution be forwarded to the State department of the American Legion with the request that a copy of said resolution be forwarded to our Representatives in Congress, and that they be respectfully requested and urged to withdraw further opposition to said bill and that they work for its early passage.

Unanimously adopted this 15th day of March, A. D. 1928.

TRAVIS SNOW POST, No. 5.

J. M. WENSHALL,

C. W. PERCY,

T. C. FITZGERALD,

Resolutions Committee.

Mr. JONES presented a petition numerously signed by sundry citizens of Seattle, Wash., praying for the passage of legislation providing for a 10 per cent pay differential for postal night workers, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by Division No. 1, Ancient Order of Hibernians in America, of Pierce County, Wash., protesting against the passage of legislation creating a Federal Department of Education, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Seattle, Wash., remonstrating against the adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

Mr. BINGHAM presented resolutions adopted by employees of the New London Ship and Engine Co., the Electric Boat Co., and the Vanadian Metals Co., all of New London, Conn., protesting against the passage of legislation favoring ship or engine construction in Government plants, which were ordered to lie on the table.

He also presented a resolution adopted by the convention of the Connecticut State Dental Association, favoring the passage

of Senate bill 3356, to provide for the coordination of the public-health activities of the Government, which was ordered to lie on the table.

He also presented resolutions adopted by the New England Tobacco Growers' Association, favoring the amendment of House bill 9195, to amend sections 2804 and 3402 of the Revised Statutes, by striking out the clause relating to the importation of cigars, which were referred to the Committee on Finance.

He also presented letters in the nature of petitions from Governor Jonathan Trumbull Chapter, of Lebanon, Ruth Hart Chapter and Susan Carrington Clarke Chapter, both of Meriden, all of the Daughters of the American Revolution, in the State of Connecticut, praying for the retention of the national-origins quota provision in the immigration law, which were referred to the Committee on Immigration.

He also presented letters and papers in the nature of petitions from the Bunker Hill Literary Club and Sunday Noon Club of the Second Congregational Church, both of Waterbury, and sundry citizens of Norwich, South Norwalk, Westport, and Weathersfield, all in the State of Connecticut, praying for the adoption of the so-called Gillett resolution, being the resolution (S. Res. 139) suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

Mr. CARAWAY, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 114) authorizing assessments by levee, drainage, and road districts upon unreserved public lands in the St. Francis levee district, State of Arkansas, reported it without amendment and submitted a report (No. 876) thereon.

He also, from the Committee on Claims, to which was referred the bill (H. R. 5981) for the relief of Clarence Cleghorn, reported it without amendment and submitted a report (No. 877) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 363) for the relief of Louise M. Cambouri, reported it with amendments and submitted a report (No. 878) thereon.

He also, from the Committee on the District of Columbia, to which was referred the bill (S. 1749) providing for the development of hydroelectric energy at Great Falls for the benefit of the United States Government and the District of Columbia, reported it with an amendment and submitted a report (No. 879) thereon.

Mr. BAYARD, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 456) to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased (Rept. No. 880); and

A bill (S. 1769) for the relief of the legal representative of the estate of Haller Nutt, deceased (Rept. No. 881).

Mr. TYDINGS, from the Committee on Naval Affairs, to which was referred the bill (S. 1633) for the relief of Edward A. Blair, reported it without amendment and submitted a report (No. 882) thereon.

Mr. WATERMAN, from the Committee on Patents, to which was referred the bill (H. R. 6104) to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, reported it with an amendment and submitted a report (No. 883) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills:

S. 205. An act to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin;

S. 463. An act for the relief of David J. Williams;

S. 484. An act for the relief of Joe W. Williams;

S. 802. An act for the relief of Frank Hanley;

S. 1377. An act for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy;

S. 1428. An act for the relief of R. Bluestein;

S. 1848. An act for the relief of Frank Dixon;

S. 2008. An act for the relief of the parents of Wyman Henry Beckstead;

S. 2442. An act for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy;

S. 2926. An act for the relief of the Old Dominion Land Co.;

S. 3306. An act to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from funds held in trust for them by the United States;

S. 3506. An act for the relief of the owners of the British steamship *Larchgrove*; and
 S. 3507. An act for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection & Indemnity Association (Ltd.).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST:

A bill (S. 4198) to provide hospitalization for Leroy Wilbur Abbott; to the Committee on Military Affairs.

By Mr. WHEELER:

A bill (S. 4199) for the relief of certain Indians employed by General Nelson A. Miles in the campaign against Chief Joseph; to the Committee on Indian Affairs.

By Mr. McKELLAR:

A bill (S. 4200) granting an increase of pension to Capt. C. M. Park (with an accompanying paper); to the Committee on Pensions.

By Mr. DENEEN:

A bill (S. 4201) granting a pension to Rosalie Thomas Draper; to the Committee on Pensions.

By Mr. BLAINE:

A bill (S. 4202) to amend sections 21 and 24 of the act of October 15, 1914 (secs. 386 and 389 of title 28 of the Code of Laws of the United States of America), relating to trial by jury in cases of indirect criminal contempts; to the Committee on the Judiciary.

By Mr. HAWES:

A bill (S. 4203) authorizing J. H. Haley, his successors and assigns (or his heirs, legal representatives, and assigns) to construct, maintain, and operate a bridge across the Missouri River at or near a point where Olive Street Road, St. Louis County, Mo., if extended west would intersect the Missouri River; to the Committee on Commerce.

By Mr. REED of Missouri:

A bill (S. 4204) granting an increase of pension to Margaret Louise Maloy (with accompanying papers); to the Committee on Pensions.

FLOOD PROTECTION ON WHITE RIVER, ARK.

Mr. CARAWAY. Mr. President, the country is well acquainted with the deplorable situation that last year overtook the people living in the lower Mississippi Valley, and along the tributaries of the Mississippi, owing to an unprecedented flood. It exhausted the resources of all the improvement districts that had been created for the purpose of building levees along those streams.

In our State, levee and drainage districts are created under the law, and raise their resources by betterment taxes assessed against the lands included in the districts. In order to fight the flood and try to rebuild the levees last year, the people exhausted the last dollar of taxable wealth that was available to these various districts. In addition to losing many, many millions of dollars, and much of their land lying out because they could not repair the levees in time to place the lands in cultivation, they sustained other heavy losses.

The levees were just patched. It was obvious to everyone that they were not sufficiently strong to withstand another heavy rise.

The White River, one of the large tributaries of the Arkansas River, is at flood. It threatens to sweep away these temporary levees and overflow hundreds of thousands of acres of land on which crops have been planted, and in most instances are up and have been cultivated somewhat.

The Mississippi River Commission, whose jurisdiction extends up these streams for purposes of aiding in the maintaining of levees, is without any funds to aid in this approaching fight. I took up the question also with the War Department, and it has no available funds. Both the commission and the War Department have furnished engineers to the levee districts where the levees are threatened with destruction by this flood, but neither of those districts, as I said a minute ago, has any resources. They not only have no money, but they have no credit. They exhausted both in their fight last year. It is now too late, should their crops be destroyed, for the people to make a crop this year.

For these reasons I introduce a joint resolution asking that the War Department may be given \$50,000 to help maintain the levees and protect these thousands of acres of land and the farmers down there from an overflow that is so threatening that the War Department itself told me this morning, through the office of the Chief of Engineers, that if they had the resources, if they had the money, it was believed it would be

possible to save the levees and prevent this disaster, but unless they may have the resources, and have them immediately, there is no chance to save these levees and protect these thousands of people against having what little they have left destroyed.

To-morrow I shall seek to have the joint resolution passed, so as to extend to these people the credit that will make it possible to save their homes.

The joint resolution (S. J. Res. 135) making an emergency appropriation for flood protection on White River, Ark., was read twice by its title and referred to the Committee on Appropriations.

TERMINATION OF HAITIAN TREATY

Mr. KING. Mr. President, I would not introduce the joint resolution which I am about to offer at this time except for the statement made by the chairman of the Committee on Foreign Relations a few moments ago, in which he indicated that a treaty exists between the United States and Haiti which, as I interpreted his remarks, obligates the United States to maintain marines or other military forces in Haiti.

In my opinion there is no treaty between the United States and Haiti. It is the opinion of some that the treaty which was negotiated in May, 1916, and which was forced upon Haiti by military arms, never had any validity, but that if it did have validity it no longer exists, having expired 10 years after its ratification.

There was an attempt to renew the treaty of May, 1916, by another treaty or convention. This so-called treaty was never submitted to or ratified by the Senate of the United States and, so far as I am advised, never was brought to the attention of the Senate by the State Department; nor was it ratified by any person or body authorized to speak for the Haitian people. The treaty negotiated in 1915 was to expire in 10 years. Within a few months after it was negotiated an attempt was made to extend its provisions for a further period of 10 years. There was no reason to prolong the life of the treaty, and no sufficient grounds were assigned for such attempt. An agreement was signed by Mr. Borno and Mr. Bailly-Blanchard which it is contended by the State Department is a treaty and prolongs the treaty of 1915 for an additional 10 years.

This latter so-called treaty reads as follows:

1917

ADDITIONAL ACT EXTENDING THE DURATION OF THE TREATY OF SEPTEMBER 16, 1915, WITH RESPECT TO THE FINANCES, ECONOMIC DEVELOPMENT, AND TRANQUILITY OF HAITI. SIGNED AT PORT-AU-PRINCE MARCH 28, 1917

(Treaty Series No. 623-A)

ARTICLES

1. Extends life of 1915 convention to 20 years.
2. Approval of parties.

The Republic of Haiti having recognized as urgent the necessity of a loan for a term of more than ten years destined for the amelioration of its financial and economic situation, considering from now this necessity as a specific reason susceptible of giving to the Convention of September 16, 1915, a duration of twenty years and desiring in consequence to exercise the right which it holds from Article XVI of this Convention;

And the United States of America, conforming itself to Article first of the said Convention and assuring its good offices for the full accomplishment of its aims and objects,

Have decided to conclude an additional act to this Convention, with a view to facilitating a prompt realization of the loan and to offer to the capitalists the serious guarantee which they claim of an uninterrupted stability indispensable to the development of the wealth of the Republic of Haiti;

And have been appointed as Plenipotentiaries.

By the President of the United States of America,
 Mr. Arthur Bailly-Blanchard, Envoy Extraordinary and Minister Plenipotentiaries of the United States of America,

By the President of the Republic of Haiti,
 Mr. Louis Borno, Secretary of State of Foreign Affairs and Public Worship,

Who having exhibited to each other their respective full powers found to be in good and true form, have agreed as follows:

Article 1. The two High Contracting Parties declare to admit the urgent necessity for a loan for a period of more than ten years for the benefit of the Republic of Haiti as one of the specific reasons indicated in Article XVI of the convention of September 16, 1915, and agree to fix at twenty years the life of the said Convention.

Article 2. The present act shall be approved by the High Contracting Parties in conformity with their respective established procedures and the approvals thereof shall be exchanged in the city of Port-au-Prince as soon as may be possible.

Signed and sealed in duplicate in the English and French language, at Port-au-Prince, Haiti, the 28th day of March, 1917.

[SEAL.]
[SEAL.]

A. BAILLY-BLANCHARD.
LOUIS BORNO.

Senators will observe that this agreement assigns as a reason for its attempt to extend the life of the treaty of 1915 that a loan was necessary to "ameliorate the finances and economic situation in Haiti and that the capitalists require the serious guaranty of an interrupted stability indispensable to the development of the wealth of the Republic of Haiti."

The question of military occupation by the United States or the necessity for the United States to assume a dictatorship over Haiti is not now raised. It is apparent that an effort was to be made to require Haiti to negotiate a foreign loan and that those from whom the money was to be obtained were asking or demanding that the United States retain its military control over Haiti for 20 years. Haiti did not need the intervention of the United States. She had for more than a hundred years maintained herself as an independent and sovereign State, and had discharged her obligations to foreign countries. After forcing the treaty of 1915 upon the Haitian people the United States proceeded to direct that a \$40,000,000 bond issue be authorized. The total debts of Haiti, foreign and domestic, when the United States assumed military control, were less than \$16,000,000. My recollection is that bonds have been sold under the direction of the United States to the extent of \$26,000,000. Under the so-called treaty which expired, and under the so-called treaty signed by Borno and Bailly-Blanchard, the United States selected Dartignave as President, and thereafter Borno as his successor. Our marines acting under authority of the United States expelled the legislative bodies of Haiti's national legislature, and our Government has since then prevented the operation of the Haitian constitution or the election of members of the national legislature. The United States is in Haiti with marines and military forces. There is no justification in my opinion for the course which we are pursuing in Haiti and for the maintenance of American marines upon Haitian soil. There is no treaty calling for this course. However, because of the contention of the executive department of the Government, that there is a treaty which obligates the United States to control Haiti and her people, and to maintain military forces in Haiti for that purpose, I am submitting a joint resolution, although, as indicated, I do not concede the existence of such a treaty or that the United States is obligated in any way to govern Haiti or the Haitian people or to protect loans which may have been made by the Haitian Government before the United States forcibly took possession of Haiti, or which have been made since the United States has controlled the Haitian Government.

Mr. President, I ask that the following resolution be read at the desk and printed and that it lie on the table. In view of the statement made by the Senator from Idaho [Mr. BORAH] it will be pertinent in the discussion to-morrow to inquire as to what obligations rest upon the United States to govern Haiti and to keep marines upon Haitian soil.

The joint resolution (S. J. Res. 136) for the termination of the alleged treaty between the United States and Haiti was read the first time by its title, the second time at length, and ordered to lie on the table, as follows:

Whereas a treaty forced upon Haiti by the military forces of the United States was entered into between the United States and Haiti and was signed at Port au Prince on September 16, 1915, and ratifications were exchanged at Washington on May 3, 1916, and on the said same day said treaty was proclaimed; and

Whereas by its terms said treaty was to remain in full force for 10 years from the day of the exchange of ratifications, and also for another term of 10 years if for "specific reasons presented by either of the high contracting parties the purpose of the treaty has not been fully accomplished"; and

Whereas without any specific or other sufficient reason an attempt was made on the 28th day of March, 1917, to extend said treaty for a further period of 10 years, and Arthur Bailly-Blanchard and Louis Borno made an agreement which each signed and which attempted to fix the life of said treaty at 20 years; and

Whereas said agreement signed by said Bailly-Blanchard and said Borno was not presented to the Senate of the United States or ratified by it, or by the Haitian Government or any part thereof authorized to ratify treaties; and

Whereas said treaty, ratifications of which were exchanged on the said May 3, 1916, has expired, but it is claimed by the executive department of the United States that it is still in force; and

Whereas said treaty is no longer responsive in various respects to the political principles of the United States, or to the principles of justice and international comity which should govern the relations of the United States and Haiti and other countries; and

Whereas said treaty is not responsive to the political principles and commercial needs of Haiti and the Haitian people: Therefore be it

Resolved, etc., That said treaty, if it has any validity, or exists for any purpose, or at all, together with all the terms thereof, is hereby terminated.

AMENDMENT TO BOULDER DAM BILL

Mr. BRATTON. Mr. President, I ask leave to present a proposed amendment to Senate bill 728, being the so-called Boulder Dam bill, and ask that it may be printed, also published in the RECORD, and lie on the table.

There being no objection, the amendment was ordered to lie on the table, to be printed, and to be published in the RECORD, as follows:

On page 5, strike out all of lines 1 to 18, both inclusive, and insert in lieu thereof the following:

"SEC. 4. (a) This act shall not take effect and no authority shall be exercised hereunder unless and until (1) the States of California, Colorado, Nevada, New Mexico, Utah, Arizona, and Wyoming shall have ratified the Colorado River compact mentioned in section 12 hereof and the President, by public proclamation, shall have so declared, or (2) if after one year from the date of the passage of this act the said States shall fail to ratify the said compact; then if six States, including the State of California, shall ratify said compact and shall consent to waive the provisions of the first paragraph of Article II of said compact, which makes the same binding and obligatory only when approved by each of the seven States mentioned in said section 12, and shall have approved said compact without conditions, save that of such six States' approval and the President, by public proclamation, shall have so declared: *Provided, however,* That if ratification should be upon a six-State basis, then California shall agree in the ratifying act that the aggregate annual consumptive use in California of waters of the Colorado River shall never exceed 4,200,000 acre-feet and that the use by California of the excess or surplus waters unallocated by the Colorado River compact shall never exceed annually one-half of such excess or surplus waters, such use always to be subject to the terms of the Colorado River compact."

INVESTIGATION OF NAVAL OIL LEASES

Mr. FLETCHER. Mr. President, I ask unanimous consent to have inserted in the RECORD two short editorials from the Philadelphia Record.

The PRESIDING OFFICER (Mr. BLEASE in the chair). Without objection, it is so ordered.

The matter referred to is here printed, as follows:

[From the Philadelphia Record of April 10, 1928]

MR. SINCLAIR AND HIS PATRIOTIC OIL BONDS

A lawyer for the defense in a criminal case is expected—it may even be said that he is obligated—to give to his client's acts the most favorable interpretation possible. Neither professional ethics nor public policy forbids his attributing to the defendant irrelevant virtues and associating indictable actions with the most altruistic motives.

But in his opening address to the jury the other day one of Sinclair's attorneys indulged in an oratorical flourish which must have put a serious strain upon the solemnity of the court. Everyone in the audience, from the judge to the tipstaff at the door, was perfectly acquainted with the unsavory history of the Liberty bonds purchased by the fake Continental Oil Co. and divided among the participants in that odious deal, and with the fact that from his share Sinclair sent \$233,000 to Fall, from whom he received the fraudulent Teapot Dome lease.

Naturally the lawyer emphasized the defense plea that this was a payment for a one-third share in Fall's ranch. But he was not satisfied with exhibiting the transaction as a lily of business legitimacy; he undertook to gild it as an incident of public service. "Yes," he said impressively, "Mr. Sinclair had Liberty bonds; he had invested large amounts in Liberty bonds, as every patriotic man at that time had done."

This closes the contest, we think, for the most precious bit of Pecksniffery to be uttered during the calendar year 1928.

[From the Philadelphia Record of April 23, 1928]

TWO OTHER VERDICTS ON THE FALL-SINCLAIR DEAL

From the beginning of the oil-lease scandal there have been in process two trials—first, of the participants in a corrupt conspiracy, and second, of the system of law created to prevent and punish such offenses. Fall and Doheny, and now Sinclair, have been acquitted; and thereby the administration of criminal justice has been convicted of inefficiency, of inadequacy, of impotence to deal with flagrant wrongdoing.

Ordinarily a verdict such as that just rendered would forbid so disheartening a conclusion. The finding of the jurors would have to be accepted as a defensible, though totally unconvincing, interpretation of the evidence. But fortunately there have been irrefutable judgments of an exactly contrary nature upon the same facts. The public which cynically notes the freeing of Sinclair is perfectly aware that the very

acts condoned by the jury have been unhesitatingly condemned by the highest tribunals.

Of the Teapot Dome lease secretly given by Fall to Sinclair and of the payment of \$233,000 to the Cabinet officer by the oil man, the Federal Circuit Court of Appeals at St. Louis unanimously declared:

"If a Government official engaged in making contracts for the Government receives pecuniary favors from one with whom such contracts are made, a fraud is committed on the Government. The entire transaction is tainted with favoritism, collusion, and corruption. A trail of deceit, falsehood, subterfuge, bad faith, and corruption runs through the transactions surrounding this lease. The lease and contract were produced by fraud and corruption, and they should be canceled."

This sweeping decree was contested before the Supreme Court of the United States. But, uncompromisingly and unanimously, that tribunal branded Fall's procedure as that of "a faithless public official," the culmination of a conspiracy with Sinclair "to circumvent the law and defeat public policy," and ruled that "the leases and agreement were made fraudulently, by means of collusion and conspiracy between them."

These judgments were so manifestly sound and authoritative that under them restitution of the diverted property was enforced. They are not erased and will not be forgotten because the eccentricities of the law forbade their presentation to the jury and thus enabled that body to perceive innocence where the courts had found unanswerable evidences of criminality.

AFFAIRS IN NICARAGUA

Mr. EDGE. Mr. President, yesterday the question was asked several times whether Sandino was operating at the present time and whether any Americans had been under attack or their property occupied or confiscated.

I ask unanimous consent to have printed in the RECORD an article from this morning's New York Herald-Tribune, which states that according to information received in the last few days seven prisoners, among who were Americans, have been taken recently by Sandino.

The PRESIDING OFFICER (Mr. BLEAEE in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is here printed, as follows:

THREE AMERICAN MINES SEIZED BY SANDINO—BANDIT REAPPEARS IN PISPIS RIVER DISTRICT TO CAPTURE GOLD WORKINGS EN ROUTE TO NORTHEAST COAST—NEW YORKER AMONG SEVEN PRISONERS TAKEN—EDEN, BONANZA, AND LA LUZ MINES, LATTER WORTH MILLIONS, IN CONTROL OF REBELS

By Charles Eyton-Jones

(By cable to the Herald Tribune. Copyright, 1928, New York Tribune, Inc.)

MANAGUA, NICARAGUA, April 23.—Gen. Augustino Sandino has reappeared in the Pispis River mining district about 75 miles northeast of Puerto Cabezas, and has taken possession of the Eden mine of the Tonopah interests, of Philadelphia, and the Bonanza mine, also belonging to American interests, according to confirmed reports reaching Managua from Puerto Cabezas. Another mine, the La Luz y Los Angeles, situated to the south and owned by Americans, also is mentioned in the dispatches, but it is not clear whether the rebel leader captured that also.

Sandino had not been heard from for several weeks, although the marines had searched the northern district of Esteli, Ocotal, Jinotega, and Matagalpa with infantry and airplane patrols. The situation is serious, considering the proximity of the rainy season, which would make it impossible to transfer American forces from their present positions to the new zone of operations.

Gen. Frank McCoy, commander of the United States marines, and Dana G. Munro, first secretary of the American Legation, have postponed their trip to Rivas San Juan del Sur because of the news received to-day.

BELIEVED HEADING FOR COAST

MANAGUA, NICARAGUA, April 23.—Marine brigade headquarters to-night were convinced that Augustino Sandino with the remnant of his followers is heading for the Atlantic coast of Nicaragua. They took this attitude when a radiogram came from W. J. Crampton, collector of customs at Puerto Cabezas, also known as Brangmans Bluff, on the northeast coast of the country. The message said that two mines near the headwaters of the Pispis River were robbed by rebels a few days ago.

Mr. Crampton also stated that two Americans employed at the mines have been taken prisoner, according to unconfirmed rumors that had reached him.

The district around the Pispis River is north of the rich La Luz y Los Angeles mine, which was reported raided in advices received at New York via wireless to New Orleans. Sandino would find this mining property on his direct line of march if he has taken an overland route from the mountainous jungle in which he is believed to have been hiding hitherto.

URNS FORCES TOWARD RIVER

The Marine authorities, however, are inclined to believe rather that Sandino headed through the Pispis district with the idea of reaching the headwaters of the Waspuc River. This good-sized stream flows northeastward and joins the River Coco 150 miles inland from the mouth of the latter stream at Cape Gracias, on the northeast coast.

There are numerous mines in that region; but while their gold deposits are known to be rich, the ore is low grade, and the cost of working them has caused all except a few to be shut down. The Eden mine of the Tonopah Mining Co. is in that category.

Other well-known mines about the headwaters of the Pispis are the Bonanza, the Lone Star, the Constanza, and the Concordia. All of these are believed to be American owned.

MINE COMPANY TELLS OF RAID

Augustino Sandino's insurrectionary forces raided an American-owned gold mine in the district of Prinzapolca, Nicaragua, on April 12, capturing three Americans, a British mine superintendent, and a Norwegian, together with supplies worth more than \$25,000, it was announced here yesterday by J. Gilmore Fletcher, president of the La Luz & Los Angeles Mining Co., 511 Fifth Avenue, which owns the property.

The Americans captured were George B. Marshall, 48 years old, assistant superintendent of the mine, only son of Mrs. H. M. Marshall, of 442 East One hundred and thirty-sixth Street, a teacher in public school 91, Manhattan; L. B. Milbery, of Woodsville, N. H.; and Roy Burley, whose home was not known by Mr. Fletcher.

TAKE 100 NICARAGUANS

The other prisoners are Harry J. Amphlett, superintendent, a British subject, whose last known address in the United States was 1702 St. Paul Street, Baltimore, and Peder Peterson, 58 years old, a Norwegian, who has a sister, Mrs. Elsie Bensen, living at 440 Ninth Street, Brooklyn. One hundred Nicaraguans employed at the mine also are understood to have been held by Sandino.

The first report of the raid reached Mr. Fletcher, who is a brother of Henry P. Fletcher, ambassador to Rome, on Saturday, April 21. He said the message was probably sent out by courier at the time of the attack, carried six days through the wilderness to Puerto Cabezas, and radioed from there to the United States by an agent of the Standard Fruit & Steamship Co., named Martin. It read:

"On 12th Sandino raided La Luz (name of the mine), taking all gold, money, merchandise, and animals. Also Marshall and all employees prisoners."

CALLS ON STATE DEPARTMENT

Mr. Fletcher immediately communicated with the State Department, asking that marines be sent to rescue the prisoners, if possible, but withheld the news from the public until the receipt of a confirmatory telegram yesterday from the Bluefield Mercantile Co., Bluefields. The telegram read in part:

"April 7, forces of Sandino have taken possession of mine. Have taken prisoner Amphlett."

This last message was taken by Mr. Fletcher to indicate that Sandino had returned to the mine following the raid on April 12 and was forcing the superintendent and his American assistants to operate the property, which he said produces about \$30,000 worth of gold monthly.

ESTIMATED LOSS AT \$100,000

"From the meager information I have," Mr. Fletcher said, "the losses from looting of movable property will run anywhere from \$25,000 to \$100,000. There was \$10,000 worth of food in the commissary, 75 head of oxen used for taking in supplies and sending out gold bullion, the bullion on hand, a pay roll of \$5,000, dynamite, and other stores. Even under ideal conditions it will take three months to put the mine in operation again."

Mr. Fletcher declared that if the steel-pipe line, recently installed at a cost of \$150,000, and the mill plant were destroyed the company's loss would run from \$3,000,000 to \$10,000,000 and the owners would face ruin. The mine is owned by three Fletcher brothers—J. Gilmore, G. Frederick, and D. Watson Fletcher—and a brother-in-law Joseph Riter.

NO TROUBLE WAS EXPECTED

That the raid was entirely unexpected only added to the bitterness with which the owners received the news of damage to the mine, into which they have put their capital for the last 10 years. La Luz and the Prinzapolca district are far in the northeast of the zone in which Sandino has heretofore confined his operations. Not the slightest preparation for defense has been made at the mine, Mr. Fletcher said, and no trouble was anticipated.

"We are not in politics down there," he continued, "and we have nothing to do with Wall Street. I don't know what I'll do if anything happens to our men. They are a lot of fine fellows. I guess that's what comes of investing one's money in foreign countries."

Mr. Fletcher scouted reports that the men were kidnapped for ransom. "They were captured," he said, "and the raid was apparently in reprisal for the activities of the marines. I don't anticipate that they will be harmed. There's nothing to gain by that."

IN COUNTRY MANY YEARS

All the foreigners reported captured had passed many years in Central America and speak Spanish fluently. Marshall, who was graduated as a mining engineer at the University of Michigan in 1907, passed 12 years in Costa Rica, where his wife is now. He started work at the mine on December 1 last on a two-year contract, after having visited with his mother here from June to November.

Mrs. Marshall said she received a letter from him two weeks ago, in which he reported everything quiet, and said he received more news of what was happening in Nicaragua from the American papers which reached him than from local sources.

Peterson has passed 38 years in Nicaragua, over 20 of them at the mine, Mrs. Benson said. He has a Spanish wife and two or three children with him at the time of the raid, she believed. He came to this country from Norway at 18, took out his first citizenship papers, and left for Nicaragua before becoming naturalized.

PETERSON HERE SIX YEARS AGO

Mrs. Benson recalled that when her brother visited her in New York six years ago he remarked that "they were always fighting down there." He was used to it, Mrs. Benson said, and she did not believe that he would come to any harm. She heard from him last month, his letter stating that he had just returned from a prospecting trip in the mountains and had a touch of fever.

Burley, who is about 45 years old, has been prospecting and working at the mine alternately for nearly 10 years, Mr. Fletcher said. Milbery has a wife at Woodsville, N. H. He is about 60 years old. Amphlett's brother, J. Roy Amphlett, of 3418 Guilford Terrace, Baltimore, Md., is chief-assayer of the Baltimore Copper Co.

SENATORS WALSH AND WHEELER, OF MONTANA

Mr. BRATTON. Mr. President, there was recently published in the Butte Miner, a newspaper of Montana, a letter from Mr. Ralph E. Williams, of Philipsburg, Mont., to Mr. Charles R. Leonard, of Butte, Mont., in which the Nicaraguan situation and many other subjects are discussed. I ask that the letter may be inserted in the RECORD.

There being no objection, the letter was ordered to be inserted in the RECORD, as follows:

[From the Butte (Mont.) Miner, Sunday, April 15, 1928]

THE LEONARD LETTER

PHILIPSBURG, MONT., March 26, 1928.

CHARLES R. LEONARD, Butte, Mont.

DEAR SIR: I have read with considerable interest your letter addressed to the editor of the Butte Miner, which letter was published in full in yesterday's issue of said paper; and may I say, without being considered presumptuous, that it is my opinion that former Governor Lowden is fortunate in having such an able champion in this State.

However, it was not with the purpose in mind of discussing the former governor's candidacy or qualifications that I decided to write to you; but rather to direct your attention to certain statements contained in your letter which, to my mind, are open to question.

May I say, before proceeding to the consideration of your statements, that I am not in any way attempting to take issue with you? Indeed, such a thing is furthest from my mind. I am not equipped mentally or otherwise to join issue with you on a discussion of political questions, but what I am going to set forth in this communication is the result of reflection by the writer on certain statements contained in your letter.

You made the assertion in your letter that the Republican Party is the "party of protection," and you also ask the question as to whether such party should also be protectionists for farmers of the West as well as for the manufacturing interests of the East.

USUAL PROTECTION URGED

In answer to your question, I will say that, to my mind, the farmer should receive an amount of protection equal to that which is given the manufacturer; but I do not particularly like the inference which arises as a result of reading your statement that the Republican Party is the party of protection. To my mind this savors of an effort to create the impression in the reader's mind that the Democratic Party are advocates of free trade and no protection. If such be the case, it is then a misleading statement or my conclusions are incorrect.

It is my information that both major political parties, formerly as far apart as the two poles on the matter of the tariff, do not harbor such a vast difference of opinion as was formerly the case. I believe I am making a true statement when I say that the only difference of opinion between the legislative Members of both parties is as to what lines and industries should be protected by a high tariff and what lines and industries have become so well established that they do not now require such high protection which, ultimately, is paid by the American consuming public. In other words, the difference of opinion, to my mind, seems to be only an equitable adjustment of the present tariff schedules, resulting in the raising of some and the lowering of others. It is my belief that the Democrats, as a party, favor protection of all industries in this country which are in need of such protection; but that they do not believe the American people should be

called upon to assist certain interests to increase their already superabundant profits when such concerns are able, financially and otherwise, to compete with foreign manufacturers of like commodities.

FARM RELIEF

As to farm relief, I will ask you who it is that opposes the most strenuously all efforts to obtain legislative relief for the farmer? Is it not those Members of our lawmaking body who come from the great industrial centers of the country? Are they not adherents to the Republican political faith? Do not a considerable number of the Democratic Members of Congress represent agricultural districts? Have they not most consistently during the past four years supported farm relief legislation? If the answer to this last question is yes, then I ask you: Is it not the policy of the Democratic Members of Congress to advocate and work for an equal degree of protection for all industries in need of such protection? Does not the record of the Republican Party reveal them as being advocates for protection of a "favored few"?

The main difference of opinion, as I see it, between the two parties is not that of "protection," but rather it is that of determining to whom and to what industries such protection is due.

Then I direct your attention to your statements in which you urge the election of Republican representatives to Congress from Montana, in lieu of two Democratic Members who are there at present and who, presumably, will again be candidates to succeed themselves. You state that we need Members who will concern themselves more with the needs of this State, rather than Members who are devoting considerable time to international affairs at the expense of our State's best interests.

In discussing this matter I wish to state that I am writing to you in the hope that you will, for the moment, forget your political affiliation, and that you will consider this as a citizen and not as a member of the Republican Party. Let us put aside all partisan feeling and consider your statements solely as citizens. Let us consider this question with the view in mind of learning, if we may, what is best for the country.

TO DEFENSE OF WHEELER

There is no doubt in my mind but what your statement, in part, is directed against the activities of the Hon. B. K. WHEELER, one of our Senators from this State. So far as I know Mr. WHEELER has not neglected the interests of the Nation generally. An indefatigable worker on the committee of the United States Senate which conducted the investigation into the manner of conducting the business of the Attorney General's office, he has rendered service to this State and to our Nation, for which we are unable to justly and commensurately compensate him. Balked and hindered at every turn by not only the Attorney General, Harry M. Daugherty, but also by the Department of Justice—which department is supposed to be charged with the prevention of crime and the securing of evidence of the commission of crimes—Mr. WHEELER doggedly, and with great perseverance, kept on with his task until, ultimately, he revealed a state of affairs in high governmental circles which showed that influential men of the Nation, as well as Cabinet Officers, were engaged in the task of corrupting, debauching, and despoiling our Government for the purpose of self-enrichment.

I make these statements after having read a printed transcript of the testimony adduced during the hearing which I mentioned in the foregoing paragraph. I base these statements not upon newspaper reports but upon the testimony I just referred to.

You may say that Senator WHEELER is not solely responsible for the revelations which have been made; but I direct your attention to this fact: Senator WHEELER was the principal prosecutor (if that be the correct term to use), and was the person upon whom, more than upon any other single member of the committee, the duty devolved of obtaining witnesses and running down clues. It is principally due to his untiring efforts that such exposé was made. Should he not be commended and compensated so far as it is possible for us to do so?

PRAISE GIVEN SENATOR

Should we lend our active aid to those who were instrumental in the attempt to corrupt the debase our Government by failing to recognize the inestimable value of the services rendered by Senator WHEELER and by failing to return him to the United States Senate, should he desire to be so returned?

Would it not give Harry M. Daugherty et al. considerable satisfaction to know that the electors of the State of Montana failed to indorse the good work done by Senator WHEELER by refusing to return him to the office he now occupies?

It is my belief that the very principles of good government were undermined, and for a time threatened, by those in power; and that we should do everything in our power to assist in returning to office those persons who so diligently labored to expose the rottenness which existed in governmental circles. To do this would, to my mind, be serving notice upon all persons having ulterior motives and designs that the American people are awake to their responsibilities and that grafters and corrupters had better beware.

Now, as to the inference that our estimable Senator has unduly concerned himself with international affairs to the prejudice of our State. In this connection, I would like very much to ask you in what way Montana's interests have been neglected. I have no information which leads me to believe that Montana has been in any way injured or slighted by our present representatives in Congress. But let us assume for a moment that it is so. Then I ask you: Is it a matter of no concern to the citizens of Montana that foreign affairs are, indeed, demanding, in the name of constitutional law and justice, the attention of Congress?

NICARAGUA REFERRED TO

Is it a matter of no moment to the people of the State of Montana that the "strong, silent man in the White House" is at present engaged in conducting a war in Nicaragua in direct contravention to the Constitution of the United States, which provides: "Congress shall have the power to declare war, * * *?"

Is the present White House incumbent not now busily engaged in carrying on aggressive warfare in Nicaragua without war having been declared by Congress? Daily press dispatches reveal to us that our marines are engaged in actively seeking Sandino and his warriors, and not that they (the marines) are engaged solely in protecting property.

Do you not recall a news dispatch appearing in local papers recently to the effect that the main legislative body in Nicaragua had failed to pass, by a considerable majority, a resolution requesting the supervision of the national election by the United States marines?

Do you not also recall that, subsequently, a news dispatch was printed stating that President Diaz had, by proclamation, called upon the United States marines to supervise the election to be held in that country?

Is not the inference and conclusion we draw from such dispatches this, viz: That the President of Nicaragua, like our own President, refuses to abide by the provisions and the mandates of their constitution; but, instead, in the interests of a favored few, he violates every principle of democracy by issuing a proclamation which is in direct contravention to the wishes of his constituents and, as a means of coercion, uses the presence of our marines to enforce such proclamation?

Judging from this distance I would say that Mussolini has nothing on Diaz in regard to bringing people to accept his decrees; but the anomalous part of it all is that the United States, supposed to be the most humanitarian of all nations—and engaged in aiding the oppressed—is an accessory, by the act of its President, in the perpetration of such outrages.

COULD USE MARINES IN AMERICA

Why does not President Coolidge request Congress to authorize him to use the marines in Nicaragua? Is it not because he is well aware that such authorization would not be granted? Therefore he takes it upon himself to do what he knows Congress would not do; and because of his prestige and political power, he "gets away with it."

We hear quite a lot of "buncombe" from the "standpatters" of the principles of the Monroe doctrine being involved in this Nicaragua matter. Is it a violation of the Monroe doctrine to permit people in foreign countries to rule themselves in accordance with their own views; or should we send the marines down there to show them how they should establish and operate their Government? It might be pertinent to remark at this time that we could use the marines to a good advantage here in our own country during some of our elections.

Another excuse offered by supporters of the administration is that we are "protecting American interests" in Nicaragua. Undoubtedly we are; but, I ask you, is it the interests of the American people in general or just those of a chosen few? Are the lives of the young men of this country less to be considered than the dollars of a few persons who already have more than enough to do them for their natural lives?

But these latter questions are entirely beside the matter now under discussion. The thing mainly to be considered at this time is the fact that our President, head of the greatest and most liberal—politically—democracy, is now usurping to himself powers which, by the fundamental law of the Nation, have been delegated to Congress.

Should our representatives sit supinely by and raise no voice in protest of this flagrant violation of our Constitution? How can the rank and file of the country be asked to obey the mandates of the Constitution and abide by its provisions when the chief law-enforcement officer of the Nation, openly and with impunity, violates it?

REGRETTABLE THING

It seems to me a regrettable thing indeed that there seems to be only two classes of persons in this country in the minds of a considerable number of our citizens, viz, conservatives and radicals. It seems to have reached the point where if a person speaks what he deems to be the truth about any matter of importance—and in so doing he tramps upon the toes of influential persons as a "radical." In fact, as a result of influence exerted in the proper places, through the press and otherwise, it seems that we are headed toward the giving up of our right to freely express ourselves on matters of public concern in order that we may keep ourselves "in right" with the powers that be.

But to get back to the original question, viz: Whether this Nicaragua matter is one which concerns the people of Montana.

We know it to be a well-established fact that all conflagrations from little fires grow. Who knows but what the guerilla warfare being conducted in Nicaragua to-day will be the fire which, in turn, will start the conflagration? In this connection let me remind you that the recent World War was originally started by two nations of minor importance from the viewpoint of world affairs.

Would you care to have your son called upon to take up arms in the service of his country when such a contingency could be avoided by demanding that the President of the United States abide by the provisions of the Constitution, the document which he has sworn to uphold and defend?

This, then, is why I am of the opinion that international affairs are of particular moment to the people of the State of Montana. Conditions have changed to such an extent since the inception of this country as a nation that we are now more or less concerned with what takes place in foreign affairs; especially is this so when matters concerning the United States are involved.

Therefore when our representatives endeavor to right wrongs or to denounce them it would seem to me that they are acting for the best interests of all of us and that we should not permit our partisan feeling to influence us in the selecting of our representatives.

MONTANA ABLY REPRESENTED

Senator WALSH and Senator WHEELER have labored arduously and diligently in the interests of the Nation as a whole, and I state with all sincerity that it is my opinion that Montana has never been so ably represented in Congress as it is at the present time. In spite of the innumerable obstacles placed in their paths, in spite of the efforts made by the crooks and debauchers in high governmental circles and influential places to besmirch the reputations of our representatives, they pressed onward with their tasks.

That they were successful can not be controverted at this time; and, to my mind, partisanship should be forgotten should they aspire to any further political office. It seems to be only fitting and proper that we should do everything in our power to see that these men are afforded the opportunity of continuing the good work which they have commenced; and that we should demonstrate to all the world our pride in their achievements by electing them to any office to which they aspire and for which they are qualified.

In the past the slogan seems to have been: "My party; right or wrong, my party." I submit that such a slogan is not in keeping with the principles of good government. History has shown us that persons seeking to enrich themselves at the expense of the Government have never been respecters of politics. Republicans and Democrats all look alike to them; the only matter of concern to them being the control of those in power. They will donate as quickly to one party as to another if they think they can advance their interests by so doing.

Therefore, in order to successfully cope with this unpatriotic and un-American element we should adopt similar tactics. If we have a man aspiring to an office who has rendered faithful service to the Nation we should forget our "politics" temporarily and return him to office as citizens and not as Republicans or Democrats. By doing this we will be encouraging our representatives to do further and better work; we shall be showing them that we appreciate their efforts and that they have not labored in vain. Indeed, we shall be doing as all successful operations and business concerns of the country are doing, viz: Rewarding merit by promotion or by continued employment.

Would it not only be fitting and proper for the people of the State of Montana to openly and unqualifiedly indorse the candidacy of Senator WALSH for the presidency, in view of his distinguished service rendered in the past, such indorsement to be made by Republicans and Democrats alike?

Would it not only be fitting and proper that the Republicans and Democrats of the State of Montana show proper appreciation for services rendered, by requesting Senator WHEELER to run as a candidate to succeed himself in the United States Senate, and to reward such service by having his candidacy unopposed by a member of either political party?

Such an indorsement and recognition of services rendered would, to my mind, be serving notice upon the people of this country that Montanans are deeply appreciative of the fact that their Senators have rendered signal service to the Nation as a whole. It would also tend to show that when matters of good government are involved, partisan feelings are submerged and that Montana citizens wholeheartedly and unqualifiedly indorse the good work of their representatives. It would mean an added incentive to all others who later aspire to similar positions to do all in their power to assist in the proper operation of our Government and to the proper protection of its interests.

In closing, permit me to say again that it is not my purpose to take issue with what you said in your letter; but, instead, I am simply setting forth some thoughts that came to the mind of the writer after reading your published letter. If I am in error in my conclusions I shall appreciate having that fact pointed out to me.

It seems to me that we should reward good and faithful service so far as it is within our power to do so. To do this might mean that

some of us would have to vote for candidates who are members of the political party opposed to ours; but in doing so we would be voting the "man" instead of the "party," and I respectfully submit that once such a practice is established we shall have a far better class of public servants than is now the average case. Corporations reward faithful and meritorious service, so why should not the American people do likewise?

Trusting that I have not bored you with this long communication, I am,

PHILIPSBURG, MONT.

RALPH E. WILLIAMS.

NATIONAL INSTITUTE OF HEALTH

Mr. RANSDELL. Mr. President, I desire to make an announcement. There will be a very interesting meeting of the subcommittee of the Senate Committee on Commerce at 2 o'clock this afternoon, at which some pictures will be exhibited which have been loaned by the Rockefeller Institute by my request to be used in connection with the hearings on my bill (S. 3391) to create a national institute of health. They are a combination of the high-power microscope with the motion-picture machine. These pictures show the life growth of the unit cell, disease-producing bacteria and their fights with each other, cell destruction in diseases, such as cancer, and illustrations of hookworms, live nerves, flow of the blood through the veins, and so forth.

This hearing is on the bill to create and establish a national institute of health. Hearings are now being held by the committee, and if any of the Senators can come up to the committee room at 2 o'clock I think they will be very much interested and instructed by these perfectly marvelous pictures which were prepared under Dr. Alexis Carrell, of the Rockefeller Institute.

FARM RELIEF—GEORGE N. PEEK

Mr. NORBECK. Mr. President, I have a letter from George N. Peek relating to the controversy about which we have heard considerable in the past. I ask that it may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD.

NORTH CENTRAL STATES AGRICULTURAL CONFERENCE, EXECUTIVE COMMITTEE OF TWENTY-TWO, Washington, D. C., April 21, 1928.

Hon. PETER NORBECK,

United States Senate, Washington, D. C.

DEAR SENATOR NORBECK: I have read in the CONGRESSIONAL RECORD this morning the address in the Senate yesterday of Senator SACKETT, of Kentucky. Senator SACKETT refers to my statement, which you placed in the CONGRESSIONAL RECORD on April 5. I refer to the concluding paragraph in that statement:

"If Mr. Hoover takes exception to my statements or attempts to refute them, I invite him to join with me now in a request to Congress to make such an investigation as I suggested in 1925, broadening it to include an investigation of statements herein contained. From the report of such an investigation the public can form an accurate opinion as to 'his record as a friend of the American farmer,' and the wisdom of his 'long-view' policies."

I now repeat that invitation.

Senator SACKETT refers to the activities in 1919 of the industrial board of the Department of Commerce, of which I was chairman.

A pamphlet, History of the Industrial Board, which sets forth the record of the activities of that board is in the Congressional Library. This pamphlet is the historical refutation of many of the charges in connection with the industrial board, which Senator SACKETT makes, including his reference to the statement of the then Secretary of the Treasury, Mr. GLASS.

Senator SACKETT says it was the after-armistice difficulties with Mr. Hoover that won my enmity toward him. This is not an accurate statement. It was Mr. Hoover's attempt in 1924 and 1925 to ride over the dead body of Secretary Wallace and his continued opposition to the plan of farm leaders, although barren of constructive proposals himself that finally convinced me of his unscrupulous character, although I had misgivings about him before.

Senator SACKETT says, "Mr. Hoover has been Secretary of Commerce not Secretary of Agriculture." I assert that Mr. Hoover influenced the appointment of Secretary Jardine, and as a condition precedent to Mr. Jardine's appointment it was understood that Dr. H. C. Taylor, Chief of the Bureau of Agricultural Economics, and Charles J. Brand, consulting specialist in marketing, who with Secretary Wallace had favored the McNary-Haugen bill, should be removed from the department. This program was followed and these gentlemen were forced out of the department shortly after the appointment of Secretary Jardine and the adjournment of Congress in the spring of 1925, and Mr. Hoover directly and indirectly has continued to influence the activities of the Department of Agriculture.

If Mr. Hoover will join with me in the request referred to for a congressional committee to investigate the accuracy of the charges against him, the public can form an intelligent opinion from the report of such an investigation of "his record as a friend of the American farmer" and "the wisdom of his long-view policies." Such an opinion can not be secured by the hurling of adjectives and epithets between the parties to the controversy. The public wants the truth.

Sincerely yours,

GEORGE N. PEEK.

THE PROHIBITION QUESTION

Mr. BRUCE. Mr. President, ever since I have been a member of this body I have from year to year presented to it police statistics showing that during the preceding 12 months there had been an increase in arrests for drunkenness. I have done that first of all because Washington in that respect is but typical of the other great cities of the country, as is demonstrated by the reports for some years past of the Moderation League, which evidences the fact that every year there is an increase in arrests for drunkenness, not only in the city of Washington, but in upwards of 500 American cities and towns. The last report of the Moderation League was published only two or three months ago.

I have had another reason for bringing to the attention of this body those police statistics. Here in the Capital of the Nation where Congress sits, where the supreme judicial tribunal of the land sits, where the President resides in the great White House whose whiteness has never been sullied in the history of the American people except during the administration of President Harding, here, if anywhere, surely prohibition should be enforceable. If it is not enforceable here where, as I have said, all the insignia of the Federal authority are found, and where the Anti-Saloon League maintains its legislative lobby, and the Methodist Board of Temperance and Morals its headquarters, where can it be enforced?

Mr. TYDINGS. Mr. President, will my colleague yield for just a brief observation?

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the senior Senator from Maryland yield to his colleague?

Mr. BRUCE. Certainly.

Mr. TYDINGS. I would like to remind the Senator that when the Army and Navy football game was played in Baltimore three or four years ago it was estimated that there were 82,000 people present. When the game was over, by actual count more than 1,000 half-pint liquor flasks were picked up in the stadium. That would be one for every 82 people, to say nothing of the silver flasks which evidently were carried on the person both to and from the game.

In line with the Senator's remarks, the people who attended that game were Members of Congress, of the Army and the Navy, and State and governmental officials from all over the land. Notwithstanding that type of citizenship, 1 out of every 82 persons had a liquor flask that was left on the ground in the stadium after the game.

Mr. HEFLIN. That shows that the law can be enforced.

Mr. BRUCE. That shows that it can not be enforced.

Mr. TYDINGS. It shows that the people came from every State in the Union, were representative of the citizenship of the country, and that apparently the prohibition law is not enforced in any State.

Mr. BRUCE. I called attention the other day to the last official report of the governor's constabulary in the State of South Carolina, which states that during the year covered by the report 1 still had been broken up by that force for every 2,400 inhabitants of the State. And it should be borne in mind that the report does not include stills broken up by the prohibition unit or the county police of South Carolina. Of course, conditions in South Carolina do not differ from conditions that prevail elsewhere in the United States.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Idaho?

Mr. BRUCE. Certainly.

Mr. BORAH. I take it the Senator thinks there is no remedy for this except to repeal the eighteenth amendment?

Mr. BRUCE. The remedy I have always suggested is first an interim remedy; that is to say, the modification of the Volstead Act that would allow the people of the country to have the use of a wholesale nonintoxicating beer, and, secondly, a permanent remedy; that is to say, the amendment of the eighteenth amendment in such a manner as to legalize the use of spirituous and fermented liquors under some system of government supervision and local option established by Congress akin to that which has worked with such extraordinary success in the Province of Quebec and in other great populous communities.

Mr. BORAH. Does the Senator know of anyone who is advocating the repeal of the eighteenth amendment?

Mr. BRUCE. Advocating it? Did not the Senator see that only yesterday the Association Against the Prohibition Amendment was reorganized with a directorate composed of some of the most distinguished citizens of the United States, and that it placed in the very forefront of its program the total repeal—not the amendment, as I have been urging in this body, but the total appeal—of the eighteenth amendment?

Mr. BORAH. That is composed of a few individuals, but there is no political party in favor of it, is there?

Mr. BRUCE. No! But surely the Senator, with his knowledge of the cowardice of many politicians, both Republican and Democratic, would not make any point of that. He himself, naturally enough, with his resolution of character, has complained repeatedly of the miserable time-saving, temporizing, pusillanimous, and craven spirit in which the great issue of prohibition is approached by both parties in this country. Have I answered the Senator?

Mr. BLACK. Mr. President, will the Senator from Maryland yield to me?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Alabama?

Mr. BRUCE. I yield.

Mr. BLACK. I understood from the Senator that he drew the inference that not only the increase of drunkenness here in the city of Washington but the failure of the enforcement authorities showed that the law could not be enforced anywhere else.

Mr. BRUCE. I draw that inference in part from the course of administrative experience in Washington and in part from the same source in other great cities of the United States.

Mr. BLACK. May I suggest to the Senator that recent events do not indicate that the city of Washington is entitled to any crown of glory for its enforcement of the law against stealing from the Government.

Mr. BRUCE. And neither is any other city in the Union entitled to any such crown.

Mr. BLACK. Then, should the laws against stealing be repealed?

Mr. BRUCE. Take the great city of Baltimore, the city in which I live, a city where the crimes commission, that which was appointed only a few years ago, has testified that law, so far as the general criminal law is concerned, is enforced very satisfactorily; take that great city, for illustration, and ask how far the Federal Government has been able to enforce the Volstead Act there. There, too, arrests for drunkenness have mounted up since the enactment of the Volstead Act, and that notwithstanding the fact that we have Federal judges in that city who conscientiously do all in their power to enforce the act, and notwithstanding the fact that almost every few months, it would almost seem, the prohibition administrator for the State of Maryland organizes a special raid for the purpose of checking violations of the Volstead Act.

Mr. TYDINGS. Mr. President, will my colleague yield to me?

Mr. BRUCE. I yield.

Mr. TYDINGS. It seems to me, in all honesty, that it is about time we should admit that the prohibition law can not be enforced, and one of the reasons why it can not be enforced is that if Christ Himself were on earth to-day, even He would be put in jail for turning water into wine.

Mr. BRUCE. Mr. President, in the city of Baltimore, notwithstanding the punitive agencies of the law that are forever in operation, the attempts of the Government at the extermination of the bootlegger remind me of nothing so much as the irrepressibility of the human beard. Each morning we take up a razor, run it over our faces, and shave them clean; but the next morning out the beard has come again, exactly as if its luxuriance had never been checked.

I have done everything that I could to secure the enforcement of the Volstead Act in the city of Baltimore. It was primarily through my agency that another Federal judgeship was recently created for the purpose of effectively enforcing that act in the State of Maryland.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Maryland yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. BRUCE. Yes.

Mr. WALSH of Massachusetts. I happen to know personally and intimately the prohibition enforcement officer in Baltimore. He is from my State—Massachusetts. He was a most excellent officer in the World War and achieved a great record as a fine disciplinarian and a very able man. I think the State

of Maryland, therefore, has in that officer an enforcement official who is unsurpassed among all in the country.

Mr. BRUCE. Mr. President, I am glad that the Senator from Massachusetts has mentioned Mr. Herbert. He has been untiring some people think—I do not say that I share their views—to the point of little less than indefensible tyranny in his efforts to enforce the Volstead Act in Maryland, and yet nothing could be valuer than those efforts. Not only did I, with the aid of the Maryland Representatives in the House, have another Federal judgeship created for the State of Maryland with special reference to the enforcement of the Volstead Act, but despite the fact that the Federal judge who was then on the bench in Maryland had been stern, as some thought, almost to the point of extreme rigor in enforcing that act, I was among those who asked the President of the United States to elevate him to a still higher judicial position.

We all hear from time to time a great deal of inane, idle talk about the duty to enforce prohibition. Let me say, that honorable, public spirited men of all kinds, whether prohibitionists or otherwise, are entirely agreed as respects that. I should have a supreme contempt for any President of the United States, for any member of the Supreme Court, for any Federal judge, for any minister of the Federal law who did not, so long as the Volstead Act was on the statute books and the eighteen amendment in force heed all the obligations of his oath impartially to enforce the Federal laws without any discrimination between them.

But, as I have stated, in spite of the two Federal judges in the city of Baltimore, in spite of the efficient and energetic prohibition administrator to whom the Senator from Massachusetts has referred, despite the fidelity to duty of Federal officials generally connected with the Federal court in the State of Maryland, the attempt of the Federal Government to enforce the Volstead Act in Maryland has been futile so far as the extinguishment of widespread bootlegging is concerned.

I recall the time when it was said in the city of Baltimore, "The State of Maryland may not be able to enforce all its laws; the city of Baltimore may not be able to enforce all its ordinances; but Uncle Sam always enforces his laws." Ah, not within the limits of the State of Maryland or of any other State in the Union to-day can any such vaunt as that be truthfully uttered. It would perish in the very process of formation upon the lips of any veracious individual familiar with the practical workings of the Volstead Act throughout the United States.

Of course, now that a presidential election is coming on, more than one circumspect friend of mine has said to me, "You have kept this fight up for four or five years; now that you are face to face with another senatorial contest, do you not think that it would be prudent to 'soft pedal' or 'pussy foot' a little just now?"

I will do nothing of the sort. What care I for my paltry political fortunes; what care I whether I am reelected to this body or not, in comparison with the intense strength of conviction, the inextinguishable enthusiasm with which I have committed myself to the great cause of personal liberty, inspired by the tyranny of the Volstead Act and the eighteenth amendment? I am inflexibly opposed to both. I have no use for the cub; I have still less use for its dam; and, however brief may be the unexpired time before the end of my life, I trust that my existence will last long enough to enable me to see repealed by an indignant popular reaction in this country, the constitutional and statutory provisions relating to prohibition, which have been nothing but the fruitful parents of odious oppression, official corruption, widespread lawlessness, and bloodshed.

I do not care what the presidential conventions may do, but I do know that magnetic as Alfred E. Smith is, able as he is, endowed with administrative genius as he is, deservedly popular as he is because of his honorable and fruitful career as governor, he would not to-day be sweeping over this country like a fire in a broom-straw field, but for the fact that hundreds of thousands and millions of people in the United States believe that if he shall be elected President of the United States he will, while enforcing prohibition faithfully so long as it shall be in force, do everything in his power, everything that his powerful office would afford him an opportunity to do, to bring to a close the most atrocious invasion of personal liberty in the history of the United States, except that which was made when the guaranties of human slavery were inserted in the Federal Constitution.

(At this point Mr. BRUCE yielded to Mr. EDGE, who asked and obtained leave to have printed in the RECORD an article with reference to affairs in Nicaragua.)

Mr. BRUCE. The Senator from New Jersey has been silent so long in relation to prohibition that I had hoped that possibly his insertion had some bearing upon that subject; but it seems that it has not.

Mr. WALSH of Massachusetts. A national election is coming.

Mr. BRUCE. I do not know what effect that may have on a regular Republican, under existing circumstances. I trust that no reverse process of conversion is setting in among my antiprohibitionist comrades.

Now, getting back to the police statistics in relation to the city of Washington to which I have referred, let me bring them specifically to the attention of the Senate.

Arrests for drunkenness in the city of Washington from 1920, the first year after the passage of the Volstead Act, to March 31, 1928, were as follows:

	Arrests for drunkenness
1920-----	5,415
1921-----	6,375
1922-----	8,368
1923-----	8,128
1924-----	10,354
1925-----	11,160
1926-----	12,907
1927-----	13,375

And for the period from July 1, 1927, to March 31, 1928, the arrests for drunkenness were 10,340, which, at the same rate of monthly increase, would for the entire period of 12 months amount to 14,774.

Mr. TYDINGS. In Washington?

Mr. BRUCE. In the city of Washington.

Mr. TYDINGS. The Capital of the Nation?

Mr. BRUCE. Yes! The Capital of the Nation; an increase of drunkenness mounting up from 5,415 arrests for drunkenness in 1920 to 13,375 in the year 1927.

Mr. TYDINGS. If the Senator will permit me to make the observation, a hasty computation shows that would be about 45 for each day of the year, counting Sundays.

Mr. BRUCE. Oh, I will say to the Senator from Maryland that the rate of increase now is worse, though his imagination might well stand appalled at the idea that it could be.

In the Washington Evening Star of yesterday appeared this report, which I will ask to have inserted in the Record:

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRUCE (reading):

Sixty-four arrests on charges of sale, possession, and transportation of intoxicants were reported [in Washington] during the 48 hours which ended at 8 o'clock this morning.

Think of that! Sixty-four arrests for violations of the Volstead Act in 48 hours! And that not at Christmas either.

Mr. TYDINGS. Mr. President, will the Senator allow another interruption?

Mr. BRUCE. I will do so with pleasure.

Mr. TYDINGS. If there were that many detected, I was just wondering how many cases had gone undetected of persons who violated this very excellent law.

Mr. BRUCE. The Senator can form some idea of that when I remind him that General Andrews testified two years ago before the subcommittee of the Senate Judiciary Committee that the Prohibition Unit succeeded in seizing only 1 out of every 10 commercial stills. It is needless to say that a commercial still can not secrete itself, can not hide itself, as an individual can; but if we multiplied 64 by only 10, that would be 640 violations of the Volstead Act during a period of 48 hours.

Then the report goes on:

The seizures included 348 quarts of whisky, 152 quarts of brandy, 84 quarts of alcohol, 23 quarts of gin, 326 bottles of beer, 2,000 gallons of mash, and one still.

That is the bag in 48 hours.

Then the report continues—I will ask the Senator from Maryland to listen to this, though there is such entire community of sympathy and belief between us that I do not know why I should especially call his attention to these other figures.

One hundred and forty-four persons were arrested for intoxication during the two-day period.

Think of that!

Mr. TYDINGS. In Washington, the Capital of the Nation?

Mr. BRUCE. In Washington. One hundred and forty-four persons were arrested for intoxication during the two-day period! Now, at that rate maintained for 12 months, the number of arrests for drunkenness in Washington, as I figure it hastily, would be no less than 26,208 persons.

Mr. TYDINGS. Will the Senator permit another interruption?

Mr. BRUCE. Yes.

Mr. TYDINGS. How would the 14,000 annual arrests for drunkenness in the District now compare with the number of arrests for drunkenness prior to the passage of the present law?

Mr. BRUCE. All I know about that is that, as I recollect, Major Hesse, the chief of police of Washington, stated a few days ago that during the last 13 or 16 years, as I recollect—I think it is 13 or 16 years; anyhow, it is a period that overlaps the period that has elapsed since the passage of the Volstead Act—while there had been an increase in the population of Washington of only 40 per cent, there had been an increase in arrests for drunkenness of 168 per cent.

The idea of this convention down at Houston, or of that convention out at Kansas City, attempting to bring forward issues that nobody is thinking about in the place of an issue that everybody is thinking about is one that my mind rejects with derision.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BRUCE. Yes; I yield.

Mr. TYDINGS. I should like to observe that many people who are in favor of prohibition think that God is with them; that it is godly and Christianlike to put poison in alcohol, and to go into the lives of people who mind their own business and do not offend public morals, to regulate them in all degrees.

To prove God is not with these people, because the philosophy of prohibition seems to be thought to be bottomed on the Bible, I have gone through it from Genesis to Revelations and have taken out all the verses—not many of them—dealing with wine, and I ask unanimous consent to insert them in the Record at the conclusion of the Senator's address.

Mr. BRUCE. I hope the Senator will cull out right now from that collection some typical ones and read them to the Senate.

Mr. TYDINGS. I do not want to take the time; but if anyone objects to it, I shall have to read them individually here at this time.

Mr. SMOOT. Mr. President, I am not going to object to the Senator's putting them in; but I did want to compliment him on the fact that he has read the Bible, if he got those quotations out of it.

Mr. TYDINGS. I thank the Senator from Utah; and I will say to him that if others would read the Bible and understand it, the Senator from Maryland who is now speaking, who has yielded me his time, would not have to make the effort he is making to get the philosophy of Christ sowed into the hearts of the American people.

The PRESIDING OFFICER. Without objection, the request of the Senator from Maryland will be granted.

(The matter referred to appears at the end of Mr. Bruce's remarks.)

Mr. BRUCE. In view of the superior familiarity with the Bible that the Senator from Utah [Mr. Smoot] seems to claim, I can not but recall a colloquy that I once heard in court in Baltimore City between ex-Governor William Pinkney Whyte, who was twice a Member of this body, and a bright, clever, rattle-brained lawyer named Stockett Matthews.

The governor was not only a man of very great ability but of very upright character. He was supposed, however, by the wicked to be just a little too conscious, perhaps, of his righteousness. On the occasion to which I refer, Matthews in his address to the jury said that Governor Whyte had, in his address to the jury, spoken as if he had been just converted. Then Governor Whyte, instead of laughing off his observation—perhaps he did not have the same sense of humor that the Senator from Utah has—interrupted with the solemn, reproachful observation, "I was converted long ago." "Well," replied Matthews unabashed, "then all I have to say, governor, is that you have not brought forth fruits meet for repentance."

So I say to the Senator from Utah, if he intended to claim for himself an extraordinary degree of familiarity with the Bible.

I could not help listening to the Senator from Alabama [Mr. HEFLIN] this morning when he spoke of the enormous sums of money that are being expended on behalf of Governor Smith at the present time, sums of money, I venture to say, as fabulous as the stores of gold that were supposed in legendary times to be guarded by the mythical griffon.

In an address before the Institute of Public Affairs at the University of Virginia last year on the eighteenth amendment I made this statement, which is completely borne out by the testimony elicited by the Reed investigated committee:

All the inner workings of the Anti-Saloon League have not yet been completely exposed by the Reed Senate committee; for, when it was

sitting, Wayne B. Wheeler was successful in preventing the names of some of the pecuniary contributors to the activities of the league from being divulged. But the records of the league have, for the first time, been laid sufficiently bare to enable us fully to understand just how the adoption of the eighteenth amendment was brought about. It is enough to say that, while that event is largely attributable to just resentment against the abuses of the old saloon, and is partially attributable also to the overstrained feelings kindled by the World War, it is to a very great extent ascribable to the lavish use of money by the league.

The Reed committee elicited the fact that during the period from 1920 to 1925 the league expended no less than \$13,655,313.72; and from its official records, which came into the possession of the committee, it would appear that the amounts previously collected and disbursed by the league from 1883 to 1918 aggregated \$50,000,000, making a grand total, exclusive of amounts expended by the league in the years 1919 and 1926, of no less than \$63,655,313.72.

Just think of the Senator from Alabama [Mr. HEFLIN] allowing himself to speak of large, and I believe totally imaginary, sums spent by the class of persons that he chose to denominate "wets," when here we have evidence of the Anti-Saloon League of the United States expending in all the sum of no less than sixty-three and odd million dollars in attempts to browbeat and to bully candidates for office and to impose its will upon the people of the United States in the place of the legislative will of their chosen representatives.

I rejoice, however, to say that what used to come into the coffers of the Anti-Saloon League in streams, now, to all appearances, comes in only in dribblets. The people of the United States are finding out what a harsh tyrant it is, what an unprincipled and unconscionable a politician it is, what an unscrupulous disburser of money it is, what a menace it is to everything that constitutes the essentials of American liberty and self-government and orderly legislative procedure.

The last contributor of any moment to its till, a contributor whom it seems to have accepted with the same degree of satisfaction that it might have accepted a contribution from a decent man, was Kresge, the department-store proprietor, who was proved only a few days later to have recently been involved in at least two lewd intrigues with abandoned women.

To show how discredited the Anti-Saloon League has become, over in Baltimore the other day, when some of the citizens of that community, most of whom were prohibitionists, proceeded to hold a law-enforcement meeting, they were careful to let the whole State of Maryland know that the Anti-Saloon League was to have nothing to do with the meeting. We have at least gotten far enough along the road of reformatory progress to have brought that intriguing and unconscionable association into popular disrepute, that association which once, in the plenitude of its power, had the insolence to propose nothing less than impeachment of the President of the United States.

I do not want to see any return to the old saloon. God forbid! Nobody, no matter what may be the future fortunes of the eighteenth amendment or the Volstead Act, will ever see that. Social revolutions rarely go backward.

Much as I abominate prohibition, in my relations to it I have never lost sight of my primary duty as a citizen, recognizing the fact that, so long as the Volstead Act is on the statute books, an honest effort should be made to enforce it. I say this although if there is anything that I loathe more than drunkenness it is prohibition, and I loathe that more because it is not only the fertile mother of drunkenness but of abuses worse than the abuses bred by drunkenness.

What I would prefer to see—and I speak for myself personally only—would be, not the total repeal of the eighteenth amendment, though I am prepared to acquiesce in that if necessary, but the amendment of that amendment so as to legalize the use of liquor of every kind under some mixed system of regulation made up partly of Government supervision and partly of local option established by Congress. If we adopted such a system, no one could say that we were going back to the old saloon or even that we were going back to 48 different systems of regulation in 48 different States. The Government would have no motive to sell liquor to a minor, or to a drunken man who already had far too much, or to commit any of the offenses so common in the day of the old saloon. In other words, if the regulation of liquor were brought under the supervision of the Government, its sale would not be subject to any of the selfish private motives which lead private traffickers in liquor to do things that law or public opinion condemns.

Such a system as I have sketched has been established in the Province of Quebec, and there it is working like a charm. I receive the reports of the liquor commission of the Province of Quebec every year. Its reports show that, unlike the situation in Washington and every other great city in our land, in the city of Montreal drunkenness is steadily declining from year to

year. In the last six years it has been cut down there one-half; and, moreover, those reports show that the ideal of Thomas Jefferson is in that Province being steadily realized; that is to say, the ideal which contemplates the substitution of wine and mild malt beverages for ardent spirits.

If I am correctly informed, so satisfactory has that system proved in the Province of Quebec that none of its territorial divisions have asked, since the Quebec liquor act went into effect, for the opportunity to exercise the privilege of local option.

Under the system that I have sketched any city or any county in the United States could by the vote of a majority of its voters release itself from Government supervision and establish prohibition within its limits.

The trend of liquor reform at the present time is not back to the old saloon. There is no reform to be found there; we all agree upon that. The trend is forward, to the same enlightened system of Government supervision which has been established in British Columbia, in Alberta, in Saskatchewan, in Manitoba, in Ontario, in Quebec, in New Brunswick, and every Canadian Province except the little water-girt Province of Prince Edward Island and the seaboard Province of Nova Scotia, where the people can obtain all they desire to drink so easily by way of the sea that it makes no difference to them whether prohibition is or is not sought to be enforced within their limits.

Mind you, in every single one of those Canadian Provinces now under Government supervision prohibition was tried, faithfully tried, and in every one of them it was abandoned.

Indeed, this is true of every other country in the whole world where the experiment of prohibition has been entered upon, except Finland, Nova Scotia, Prince Edward Island, and the United States of America, as witness Russia, Sweden, and Norway, to say nothing more. And at this very moment a resolute, popular agitation is under way in Finland calling for the revocation of its prohibitory legislation. Even in Prince Edward Island and Nova Scotia the condition of the public mind with reference to prohibition is, to say the least, very restless. If the words "Thou art weighed in the balance and found wanting" were ever written upon any walls, it is upon the gloomy and tyrannical walls of prohibition.

I say to all the antiprohibitionists throughout the country, "Gird up your loins, present a stern and resolute face to the foe. Everything is going our way. If national conventions shall prove faithless to their obligations, the voters will not fail to rebuke them in due time."

I desire to recall, as I have more than once done before, an observation made by John Randolph of Roanoke many years ago when slavery was in force in the United States and politicians and national conventions were trying to temporize with the rising demand for its abolition. Said Randolph:

It is idle to talk about suppressing the slavery issue. You might as well talk about covering up an earthquake with a carpet.

That is as true of prohibition to-day as it was of slavery then.

If my old historic party could only rise to the level of its great opportunity it would, when it meets at Houston, declare unequivocally in favor of two of the noblest and most inspiring things that men have ever struggled and died for.

It would unequivocally declare, in resonant tones that would reverberate from one end of our land to the other, for personal liberty and sectarian tolerance. Rarely in the history of any party in our country was any such opportunity ever offered as is offered now to the Democratic Party to take its stand upon the exalted levels of those two great immortal, unextinguishable principles. We should bring to an end these irritating, corrupting restrictions in the matter of drink.

Why say to me that the use of liquor tends to abuse? Yes; it tends to abuse whether prohibition is or is not written into the law, but so do all the propensities of our nature tend. There is not a corporeal appetite of ours of which that is not true. As I have so often said, God did not fill our veins with vinegar but with red blood corpuscles. He intended that we should derive all the pleasure that is to be derived from the gratification of our bodily senses as well as from the gratification of our moral and intellectual impulses. He only asks of us that we gratify these moderately and within the bounds of the laws that he has prescribed for our conduct. It was never His intent to condemn us to mere ascetic or puritanical lives. It was His purpose to allow us all the innocent pleasure in every form of which this "pleasing anxious being" of ours admits.

I do not care whether prohibition does or does not prohibit. If it prohibits, which it does not, then I say it is based upon a totally visionary system of ethics and a totally false philosophy of conduct. If it does not prohibit always it produces the same mildewed harvest of lawlessness, of official corruption, and of crime.

I have gotten far away from the Washington police statistics with which I began my remarks. Sometimes it is pretty difficult to chain one's thoughts and even more difficult to chain one's strongest sentiments down to statistics. But after all, the two most completely unanswerable charges in the indictment of prohibition by the antiprohibitionists are found in the constant manner in which arrests for drunkenness in the United States have mounted year by year since the enactment of the Volstead Act, and in the fact that since then deaths from alcoholism in the United States have also from year to year steadily increased.

My attention was called a few days ago, in reading one of the Baltimore newspapers, to the fact that in one of the years preceding the enactment of the Volstead law there were only four deaths from alcoholism in the city of Baltimore. Last year there were 122.

Mr. TYDINGS. Mr. President, will my colleague yield?

Mr. BRUCE. Certainly.

Mr. TYDINGS. In line with what I said a moment ago, that is just another expression of the error man is making when he tries to substitute his plan for God's plan.

Mr. BRUCE. Absolutely so.

Mr. CARAWAY. Mr. President, I did not know we were going to settle any of God's plans in the Senate.

Mr. BRUCE. No; God forbid!

Mr. CARAWAY. I think He has forbidden it, and so the two Senators from Maryland could well leave any of God's plans out of the discussion of prohibition.

Mr. BRUCE. Not at all!

Mr. CARAWAY. We know that every man has a right to express his own opinion and to entertain it.

Mr. TYDINGS. We have not that right.

Mr. BRUCE. The Senator from Arkansas is denying it to us now.

Mr. CARAWAY. Well, Mr. President—

Mr. BRUCE. Just a moment, please.

Mr. CARAWAY. Does not the Senator yield to me?

Mr. BRUCE. If the Senator wants to interrupt me to ask a question, certainly, but if the Senator wants to declare that I am a profane, sacrilegious, godless Senator, of course I—

Mr. CARAWAY. The Senator takes exception?

Mr. BRUCE. Naturally I would not feel disposed to yield for that purpose. [Laughter.]

Mr. CARAWAY. That was farthest from my mind. But I have never yet been quite able to agree that that thing which has caused more sorrow, has filled more jails, has put more men on the scaffold, has made more women widows and more children beggars in the street was an instrumentality of God to work out a righteous cause. I have never yet been able to understand why any gentleman, who knows that he himself ought to stay sober and does it, insists that everybody else ought to get drunk. With all due deference to my friend—and there is certainly no one I admire more—I just can not agree with him in that particular theory, because he is the finest example of sobriety and propriety of high intelligence and all those things for which we admire the gentleman, but he seems to resent that the rest of us want to be just like him and stay sober.

Mr. BRUCE. No; the Senator is mistaken—

Mr. CARAWAY. In which statement?

Mr. BRUCE. Of course, I do not mean in the respects in which he has spoken of me in a manner so delightful.

Mr. CARAWAY. I mean everything I said about the Senator. I have for the Senator the most genuine regard, and yet I dissent from his position on this question with all the emphasis of my nature.

Mr. BRUCE. I know it.

Mr. CARAWAY. I do not want the Senator to think that I am being critical.

Mr. BRUCE. Not at all. I often say—how often have I said it?—when somebody takes exception to the fact that the Senator is a little sarcastic, that he has a witty, sarcastic tongue, but has also one of the purest and most affectionate hearts in the world. Everyone who knows him as well as I do knows that this is true.

The Senator should not take a mere modification like myself, just an ordinary temperate individual, as an illustration of what is best to be found in point of character in the antiprohibitionist ranks. He might well take some individual who has never touched a drop of liquor in his life. Three or four of the most inflexible, the most inveterate enemies of prohibition whom I know in the world are men between whose lips not one single drop of spirits has ever passed. I read into the RECORD only last Friday a crude poem written by an individual whose lines, when they were laid in my hands, were accompanied by a letter in which the author stated that he

had never in his life touched a drop of intoxicating liquor or taken a smoke or a chew of tobacco. He had never done any of those things, but in the bosom of that true man, as upon the surface of a holy altar, lived the pure flame of personal liberty and all that personal liberty signifies to the human spirit.

I will now say to my colleague from Maryland that if he wishes to interrupt me I will be glad to have him do so.

Mr. TYDINGS. Mr. President, I merely wanted to make an observation to show how prohibition legislation has departed from the spirit of religion. Whatever our individual faith may be, we all recognize that the Bible, the word of God, sets up 10 commandments, among them being "Thou shalt not kill." Some time ago Mr. Forbes, the former head of the Veterans' Bureau, was sent to the Atlanta Penitentiary for the misuse of a tremendous sum of money. Following that Mr. Miller has gone there for a like offense. Each of those men went to the penitentiary for only two years, but when it comes to the crime of taking a drink the Congress of the United States has gone on record as approving the punishment of death for a man who drinks illegal liquor. That illustrates the departure that the Senate and House of Representatives have made from the real philosophy of real religion as applied to prohibition in comparison with other crimes. I do not see how any man can say that we have followed the philosophy of God when we go to the extent of killing people because they take a drink of liquor, and no real Christian will go that far.

Mr. BRUCE. Mr. President, the junior Senator from Maryland was not here when on one occasion in response to a direct challenge from me a fanatical Member of this body, whose name I do not see fit to mention, on my asking him whether he was in favor of capital punishment for a violation of the Volstead Act promptly replied, "I am." Now, what are we to do with a brainpan like that?

You all remember, of course, the individual in Michigan, who under some kind of Baumes Act is now in prison for life for a violation of a prohibition statute. I am glad that the junior Senator from Maryland made the reference that he did to the Deity, who is the Father of all our virtues and infirmities, who made us what we are, and clothed us with our warm integument of pulsating flesh, and made our bodies the seat of the delightful, joyous appetites and sensations which create us human beings rather than disembodied spirits. If I think that there is innocent pleasure, within proper limits, to be found in a glass of wine, it is my Maker and not another who has implanted in me the propensity which leads me to believe that. All He asks is that I do not abuse it. He asks of me that as He asks of me that I lead a chaste life in my social relationships, that I avoid gluttony, and that I keep down all the unruly impulses of appetite or passion in my nature.

My colleague from the State of Maryland has inserted into the CONGRESSIONAL RECORD what God, through lips that He lit with hallowed fire, has said about drink. Nowhere, in my judgment—and I say it with the utmost measure of reverence—is the wisdom of the Creator more strikingly manifested than in His attitude toward drink, as evidence in the Scriptures. Yes, He tells us that "wine is a mocker and strong drink raging," and so they are when indulged to excess. He warns us that we must ever be upon our guard against them; but in the Scriptures there is no final word that denies to us the use of wine. Some thought that it was a reproach to our Savior that He came into the world eating and drinking. Neither He nor His Father thought so. Over and over again in the Scriptures are to be found reflections and sentiments expressive of the innocent, legitimate pleasure than is derivable from the moderate and reasonable use of wine.

Indeed, in one place the Scriptures make the vine ask whether it should leave its wine which cheereth God and man. And in another place they speak of the wine that maketh glad the heart of man. And in still another place they break out: "A man hath no better thing under the sun than to eat, and to drink, and to be merry." My colleague from Maryland was quite right when he said that the use of wine, within proper restrictions, is a thing that receives the divine approval itself. In one breath God admonishes us that we must be moderate in the gratification of our appetites, and in another He lets us know that when we are so there is no reason why that gratification should be withheld from us.

My friend—and he is my friend, my dear friend—the Senator from Arkansas [Mr. CARAWAY] spoke about drink as if it were associated with the only physical propensity of ours that ever works moral shipwreck; but because a very small percentage of human society, not so much from the strength of drink as from their own weakness, can not drink except excessively, is that any reason why I who have drunk wine for years, without ever drinking more at the most than a glass or so of it, should

not continue to enjoy the innocent pleasure that I have found in it? Are we to renounce the primal tie between man and woman, which is the source of some of the purest, tenderest, and most exalted of human emotions, because at times illicit love leads to misery and moral disaster and even to dusty death? The fundamental vice in prohibition consists in the fact that it is a violent infraction of nature, and such infractions of nature never fail to breed back to lawlessness and vice.

This thing of treating man as if he were nothing better than the bondsman of harsh disciplinary statutes, instead of the normal being that he is, is a thing that never fails to be condemned by human experience.

I have perhaps said too much; but this may be the only opportunity that I shall have to say anything on the subject of prohibition before the presidential candidates of the two great national parties shall be selected.

What I have said at least voices my profoundest convictions. The matter submitted by Mr. TYDINGS is as follows:

GENESIS

Chapter 9

20. And Noah began to be an husbandman, and he planted a vineyard:

21. And he drank of the wine and was drunken; and he was uncovered within his tent.

Chapter 19

32. Come, let us make our father drink wine, and we will lie with him, that we may preserve seed of our father.

33. And they made their father drink wine that night; and the firstborn went in, and lay with her father; and he perceived not when she lay down, nor when she arose.

34. And it came to pass on the morrow, that the firstborn said unto the younger, Behold, I lay yesternight with my father: let us make him drink wine this night also; and go thou in, and lie with him, that we may preserve seed of our father.

35. And they made their father drink wine that night also: and the younger arose, and lay with him; and he perceived not when she lay down, nor when she arose.

Chapter 27

25. And he said, Bring it near to me, and I will eat of my son's venison, that my soul may bless thee. And he brought it near to him, and he did eat: and he brought him wine, and he drank.

28. Therefore God give thee of the dew of heaven, and the fatness of the earth, and plenty of corn and wine.

LEVITICUS

Chapter 10

9. Do not drink wine nor strong drink, thou, nor thy sons with thee, when ye go into the tabernacle of the congregation, lest ye die: it shall be a statute for ever throughout your generations.

Chapter 23

13. And the meat offering thereof shall be two tenth deals of fine flour mingled with oil, an offering made by fire unto the Lord for a sweet savour: and the drink offering thereof shall be of wine, the fourth part of an hin.

NUMBERS

Chapter 6

3. He shall separate himself from wine and strong drink, and shall drink no vinegar of wine, or vinegar of strong drink, neither shall he drink any liquor of grapes, nor eat moist grapes, or dried.

20. And the priest shall wave them for a wave offering before the Lord: this is holy for the priest, with the wave breast and heave shoulder: and after that the Nazarite may drink wine.

Chapter 15

5. And the fourth part of an hin of wine for a drink offering shalt thou prepare with the burnt offering or sacrifice, for one lamb.

7. And for a drink offering thou shalt offer the third part of an hin of wine, for a sweet savour unto the Lord.

10. And thou shalt bring for a drink offering half an hin of wine, for an offering made by fire, of a sweet savour unto the Lord.

Chapter 28

14. And their drink offerings shall be half an hin of wine unto a bullock, and the third part of an hin unto a ram, and a fourth part of an hin unto a lamb: this is the burnt offering of every month throughout the months of the year.

DEUTERONOMY

Chapter 7

13. And he will love thee, and bless thee, and multiply thee: he will also bless the fruit of thy womb, and the fruit of thy land, thy corn, and thy wine, and thine oil, the increase of thy kine, and the flocks of thy sheep, in the land which he swore unto thy fathers to give thee.

Chapter 11

14. That I will give you the rain of your land in his due season, the first rain and the latter rain, that thou mayest gather in thy corn, and thy wine, and thine oil.

Chapter 12

17. Thou mayest not eat within thy gates the tithe of thy corn, or of thy wine, or of thy oil, or the firstlings of thy herds or of thy flock, nor any of thy vows which thou vowest, nor thy freewill offerings, or heave offering of thine hand:

Chapter 14

23. And thou shalt eat before the Lord thy God, in the place which he shall choose to place his name there, the tithe of thy corn, of thy wine, and of thine oil, and the firstlings of thy herds and of thy flocks; that thou mayest learn to fear the Lord thy God always.

26. And thou shalt bestow that money for whatsoever thy soul lusteth after, for oxen, or for sheep, or for wine, or for strong drink, or for whatsoever thy soul desireth: and thou shalt eat there before the Lord thy God, and thou shalt rejoice, thou, and thine household.

Chapter 15

14. Thou shalt furnish him liberally out of thy flock, and out of thy floor, and out of thy winepress: of that wherewith the Lord thy God hath blessed thee thou shalt give unto him.

Chapter 16

13. Thou shalt observe the feast of tabernacles seven days, after that thou hast gathered in thy corn and thy wine:

Chapter 18

4. The firstfruit also of thy corn, of thy wine, and of thine oil, and the first of the fleece of thy sheep, shalt thou give him.

Chapter 28

39. Thou shalt plant vineyards, and dress them, but shalt neither drink of the wine, nor gather the grapes; for the worms shall eat them.

51. And he shall eat the fruit of thy cattle, and the fruit of thy land, until thou be destroyed: which also shall not leave thee either corn, wine, or oil, or the increase of thy kine, or flocks of thy sheep, until he have destroyed thee.

Chapter 29

6. Ye have not eaten bread, neither have ye drunk wine or strong drink: that ye might know that I am the Lord your God.

Chapter 32

14. Butter of kine, and milk of sheep, with fat of lambs, and rams of the breed of Bashan, and goats, with the fat of kidneys of wheat; and thou didst drink the pure blood of the grape.

33. Their wine is the poison of dragons, and the cruel venom of asps.

38. Which did eat the fat of their sacrifices, and drank the wine of their drink offerings? let them rise up and help you, and be your protection.

Chapter 33

28. Israel then shall dwell in safety alone: the fountain of Jacob shall be upon a land of corn and wine; also his heavens shall drop down dew.

JOSHUA

Chapter 9

13. And these bottles of wine, which we filled, were new; and, behold, they be rent: and these our garments and our shoes are become old by reason of the very long journey.

JUDGES

Chapter 9

13. And the vine said unto them, Should I leave my wine, which cheereth God and man, and go to be promoted over the trees?

27. And they went out into the fields, and gathered their vineyards, and trode the grapes, and made merry, and went into the house of their god, and did eat and drink, and cursed Abimelech.

Chapter 13

4. Now therefore beware, I pray thee, and drink not wine nor strong drink, and eat not any unclean thing:

7. But he said unto me, Behold, thou shalt conceive, and bear a son; and now drink no wine nor strong drink, neither eat any unclean thing; for the child shall be a Nazarite to God from the womb to the day of his death.

14. She may not eat of anything that cometh of the vine, neither let her drink wine or strong drink, nor eat any unclean thing: all that I commanded her let her observe.

Chapter 19

19. Yet there is both straw and provender for our asses; and there is bread and wine also for me, and for thy handmaid, and for the young man which is with thy servants: there is no want of anything.

RUTH
Chapter 3

7. And when Boaz had eaten and drunk, and his heart was merry, he went to lie down at the end of the heap of corn: and she came softly, and uncovered his feet, and laid her down.

I SAMUEL
Chapter 1

14. And Eli said unto her, How long wilt thou be drunken? Put away thy wine from thee.

15. And Hannah answered and said, No, my lord, I am a woman of a sorrowful spirit; I have drunk neither wine nor strong drink, but have poured out my soul before the Lord.

24. And when she had weaned him, she took him up with her, with three bullocks, and one ephah of flour, and a bottle of wine, and brought him unto the house of the Lord in Shiloh: and the child was young.

Chapter 10

3. Then thou shalt go forward from thence, and thou shalt come to the plain of Tabor, and there shall meet thee three men going up to God to Bethel, one carrying three kids, and another carrying three loaves of bread, and another carrying a bottle of wine:

Chapter 16

20. And Jesse took an ass laden with bread, and a bottle of wine, and a kid, and sent them by David his son unto Saul.

Chapter 25

18. Then Abigail made haste, and took two hundred loaves, and two bottles of wine, and five sheep ready dressed, and five measures of parched corn, and an hundred clusters of raisins, and two hundred cakes of figs, and laid them on asses.

36. And Abigail came to Nabal; and, behold, he held a feast in his house, like the feast of a king; and Nabal's heart was merry within him, for he was very drunken; wherefore she told him nothing, less or more, until the morning light.

37. But it came to pass in the morning, when the wine was gone out of Nabal, and his wife had told him these things, that his heart died within him, and he became as a stone.

II SAMUEL
Chapter 6

19. And he dealt among all the people, even among the whole multitude of Israel, as well to the women as men, to every one a cake of bread, and a good piece of flesh, and a flagon of wine. So all the people departed every one to his house.

Chapter 11

13. And when David had called him, he did eat and drink before him; and he made him drunk: and at even he went out to lie on his bed with the servants of his lord, but went not down to his house.

Chapter 13

28. Now Absalom had commanded his servants, saying, Mark ye now when Amnon's heart is merry with wine, and when I say unto you, Smite Amnon then kill him, fear not: have not I commanded you? be courageous, and be vallant.

Chapter 16

1. And when David was a little past the top of the hill, behold, Ziba the servant of Mephibosheth met him, with a couple of asses saddled, and upon them two hundred loaves of bread, and an hundred bunches of raisins, and an hundred of summer fruits, and a bottle of wine.

2. And the king said unto Ziba, What meanest thou by these? And Ziba said, The asses be for the king's household to ride on; and the bread and summer fruit for the young men to eat; and the wine, that such as be faint in the wilderness may drink.

I KINGS
Chapter 4

20. Judah and Israel were many, as the sand which is by the sea in multitude, eating and drinking, and making merry.

II KINGS
Chapter 18

32. Until I come and take you away to a land like your own land, a land of corn and wine, a land of bread and vineyards, a land of oil olive and of honey, that ye may live and not die: and hearken not unto Hezekiah, when he persuadeth you, saying, The Lord will deliver us.

I CHRONICLES
Chapter 9

29. Some of them also were appointed to oversee the vessels, and all the instruments of the sanctuary, and the fine flour, and the wine and the oil, and the frankincense, and the spices.

Chapter 22

39. And there they were with David three days, eating and drinking: for their brethren had prepared for them.

40. Moreover they that were nigh them, even unto Issachar and Zebulun and Baphtali, brought bread on asses, and on oxen, and meat, meal, cakes of figs, and bunches of raisins, and wine, and oil, and oxen, and sheep abundantly: for there was joy in Israel.

Chapter 16

3. And he dealt to every one of Israel, both man and woman, to every one a loaf of bread and a good piece of flesh, and a flagon of wine.

Chapter 27

27. And over the vineyards was Shimel and Ramathite: over the increase of the vineyards for the wine cellars was Zabdi the Shiphmite:

II CHRONICLES

Chapter 2

10. And, behold, I will give to thy servants, the hewers that cut timber, twenty thousand measures of beaten wheat, and twenty thousand measures of barley, and twenty thousand baths of wine, and twenty thousand baths of oil.

15. Now therefore the wheat, and the barley, the oil, and the wine, which my lord hath spoken of, let him send unto his servants:

Chapter 11

11. And he fortified the strong holds, and put captains in them, and store of victual, and of oil and wine.

Chapter 31

5. And as soon as the commandment came abroad, the children of Israel brought in abundance the first fruits of corn, wine, and oil, and honey, and of all the increase of the field; and the tithe of all things brought they in abundantly.

Chapter 32

28. Storehouses also for the increase of corn, and wine, and oil; and stalls for all manner of beasts, and cotes for flocks.

EZRA
Chapter 6

9. And that which they have need of, both young bullocks, and rams, and lambs, for the burnt offerings of the God of Heaven, wheat, salt, wine, and oil, according to the appointment of the priests which are at Jerusalem, let it be given them day by day without fail:

Chapter 7

22. Unto an hundred talents of silver, and to an hundred measures of wheat, and to an hundred baths of wine, and to an hundred baths of oil, and salt without prescribing how much.

NEHEMIAH
Chapter 2

1. And it came to pass in the month Nisan, in the twentieth year of Artaxerxes the king, that wine was before him: and I took up the wine, and gave it unto the king; Now I had not been beforetime sad in his presence.

Chapter 5

11. Restore, I pray you, to them, even this day, their lands, their vineyards, their oliveyards, and their houses, also the hundredth part of the money, and of the corn, the wine, and the oil, that ye exact of them.

15. But the former governors that had been before me were chargeable unto the people, and had taken of them bread and wine, beside forty shekels of silver; yea, even their servants bare rule over the people: but so did not I, because of the fear of God.

18. Now that which was prepared for me daily was one ox and six choice sheep; also fowls were prepared for me, and once in ten days store of all sorts of wine: yet for all this required not I the bread of the governor, because the bondage was heavy upon this people.

Chapter 10

37. And that we should bring the first fruits of our dough, and our offerings, and the fruit of all manner of trees, of wine and of oil, unto the priests, to the chambers of the house of our God; and the tithes of our ground unto the Levites, that the same Levites might have the tithes in all the cities of our tillage.

39. For the children of Israel and the children of Levi shall bring the offering of the corn, of the new wine, and the oil, unto the chambers, where are the vessels of the sanctuary, and the priests that minister, and the porters, and the singers: and we will not forsake the house of our God.

Chapter 13

5. And he had prepared for him a great chamber, where aforetime they laid the meat offerings, the frankincense, and the vessels, and the tithes of the corn, the new wine, and the oil, which was commanded to be given to the Levites, and the singers, and the porters; and the offerings of the priests.

12. Then brought all Judah the tithe of the corn and the new wine and the oil unto the treasures.

15. In those days saw I in Judah some treading wine presses on the sabbath, and bringing in sheaves, and lading asses; as also wine, grapes, and figs, and all manner of burdens, which they brought into Jerusalem on the Sabbath day; and I testified against them in the day wherein they sold victuals.

ESTHER

Chapter 1

7. And they gave them drink in vessels of gold (the vessels being diverse one from another), and royal wine in abundance, according to the state of the king.

10. On the seventh day, when the heart of the king was merry with wine, he commanded Mehuman, Biztha, Harbona, Bigtha, and Abagtha, Zethar and Carcas, the seven chamberlains that served in the presence of Ahasuerus the king.

Chapter 5

6. And the king said unto Esther at the banquet of wine, What is thy petition? and it shall be granted thee: and with is thy request? even to the half of the kingdom it shall be performed.

Chapter 7

2. And the king said again unto Esther on the second day at the banquet of wine, What is thy petition, Queen Esther? and it shall be granted thee: and what is thy request? and it shall be performed, even to the half of the kingdom.

7. And the king arising from the banquet of wine in his wrath went into the palace garden: and Haman stood up to make request for his life to Esther the queen; for he saw that there was evil determined against him by the king.

8. Then the king returned out of the palace garden into the place of the banquet of wine; and Haman was fallen upon the bed whereon Esther was. Then said the king, Will he force the queen also before me in the house? As the word went out of the king's mouth, they covered Haman's face.

JOB

Chapter 1

13. And there was a day when his sons and daughters were eating and drinking wine in their eldest brother's house.

18. While he was yet speaking, there came also another, and said, Thy sons and thy daughters were eating and drinking wine in their eldest brother's house:

Chapter 32

19. Behold my belly is as wine which hath no vent; it is ready to burst like new bottles.

PSALMS

Chapter 4

7. Thou hast put gladness in my heart, more than in the time that their corn and their wine increased.

Chapter 60

3. Thou hast shewed thy people hard things: thou hast made us to drink the wine of astonishment.

Chapter 75

8. For in the hand of the Lord there is a cup, and the wine is red; it is full of mixture; and he poureth out of the same: but the dregs thereof, all the wicked of the earth shall wring them out, and drink them.

Chapter 78

65. Then the Lord awaked as one out of sleep, and like a mighty man that shouteth by reason of wine.

Chapter 104

15. And wine that maketh glad the heart of man, and oil to make his face to shine, and bread which strengtheneth man's heart.

PROVERBS

Chapter 3

10. So shall thy barns be filled with plenty, and thy presses shall burst out with new wine.

Chapter 4

17. For they that eat the bread of wickedness, and drink the wine of violence.

Chapter 9

2. She hath killed her beasts; she hath mingled her wine; she hath also furnished her table.

5. Come, eat of my bread, and drink of the wine which I have mingled.

Chapter 20

1. Wine is a mocker, strong drink is raging: and whosoever is deceived thereby is not wise.

Chapter 21

17. He that loveth pleasure shall be a poor man: he that loveth wine and oil shall not be rich.

Chapter 23

20. Be not among winebibbers; among riotous eaters of flesh.

30. They that tarry long at the wine; they that go to seek mixed wine.

31. Look not thou upon the wine when it is red, when it giveth his colour in the cup, when it moveth itself aright.

Chapter 31

4. It is not for kings, O Lemuel, it is not for kings to drink wine; nor for princes strong drink.

6. Give strong drink unto him that is ready to perish, and wine unto those that be of heavy hearts.

7. Let him drink, and forget his poverty, and remember his misery no more.

ECCLESIASTES

Chapter 2

3. I sought in mine heart to give myself unto wine, yet acquainting mine heart with wisdom; and to lay hold on folly, till I might see what was that good for the sons of men, which they should do under the heaven all the days of their life.

24. There is nothing better for a man, than that he should eat and drink, and that he should make his soul enjoy good in his labour. This also I saw, that it was from the hand of God.

Chapter 8

15. Then I commended mirth, because a man hath no better thing under the sun, than to eat, and to drink, and to be merry; for that shall abide with him of his labour the days of his life, which God giveth him under the sun.

Chapter 9

7. Go thy way, eat thy bread with joy, and drink thy wine with a merry heart; for God now accepteth thy works.

Chapter 10

19. A feast is made for laughter, and wine maketh merry: but money answereth all things:

SONG OF SOLOMON

Chapter 1

2. Let him kiss me with the kisses of his mouth: for thy love is better than wine.

4. Draw me, we will run after thee: the king hath brought me into his chambers: we will be glad and rejoice in thee, we will remember thy love more than wine: the upright love thee.

Chapter 4

10. How fair is thy love, my sister, my spouse! how much better is thy love than wine! and the smell of thine ointments than all spices!

Chapter 5

1. I am come into my garden my sister, my spouse: I have gathered my myrrh with my spice; I have eaten my honeycomb with my honey; I have drunk my wine with my milk: eat, O friends; drink, yea, drink abundantly, O beloved.

Chapter 7

9. And the roof of thy mouth like the best wine for my beloved, that goeth down sweetly, causing the lips of those that are asleep to speak.

Chapter 8

2. I would lead thee, and bring thee into my mother's house, who would instruct me: I would cause thee to drink of spiced wine of the juice of my pomegranate.

ISAIAH

Chapter 1

22. Thy silver is become dross, thy wine mixed with water.

Chapter 5

11. Woe unto them that rise up early in the morning, that they may follow strong drink; that continue until night, till wine inflame them!

12. And the harp, and the viol, the tabret, and pipe, and wine, are in their feasts: but they regard not the work of the Lord, neither consider the operation of his hands.

22. Woe unto them that are mighty to drink wine, and men of strength to mingle strong drink:

Chapter 16

10. And the gladness is taken away, and joy out of the plentiful field; and in the vineyards there shall be no singing, neither shall there be shouting: the treaders shall tread out no wine in their presses; I have made their vintage shouting to cease.

Chapter 24

7. The new wine mourneth, the vine languisheth, all the merryhearted do sigh.

9. They shall not drink wine with a song; strong drink shall be bitter to them that drink it.

11. There is a crying for wine in the streets; all joy is darkened, the mirth of the land is gone.

Chapter 25

6. And in this mountain shall the Lord of hosts make unto all people a feast of fat things, a feast of wines on the lees well refined.

Chapter 27

2. In that day sing ye unto her, A vineyard of red wine.

Chapter 28

1. Woe to the crown of pride, to the drunkards of Ephraim, whose glorious beauty is a fading flower, which are on the head of the fat valleys of them that are overcome with wine!

7. But they also have erred through wine, and through strong drink are out of the way; the priest and the prophet have erred through strong drink, they are swallowed up of wine, they are out of the way through strong drink; they err in vision, they stumble in judgment.

Chapter 29

9. Stay yourselves, and wonder: cry ye out, and cry: they are drunken, but not with wine; they stagger, but not with strong drink.

Chapter 36

17. Until I come and take you away to a land like your own land, a land of corn and wine, a land of bread and vineyards.

Chapter 49

26. And I will feed them that oppress thee with their own flesh; and they shall be drunken with their own blood, as with sweet wine: and all flesh shall know that I the Lord am thy Saviour and thy Redeemer, the mighty One of Jacob.

Chapter 51

21. Therefore hear now this, thou afflicted, and drunken, but not with wine:

Chapter 55

1. Ho, every one that thirsteth, come ye to the waters, and he that hath no money; come ye, buy, and eat; yea, come, buy wine and milk without money and without price.

Chapter 56

12. Come ye, say they, I will fetch wine, and we will fill ourselves with strong drink; and to-morrow shall be as this day, and much more abundant.

Chapter 62

8. The Lord hath sworn by his right hand, and by the arm of his strength, Surely I will no more give thy corn to be meat for thine enemies; and the sons of the strangers shall not drink thy wine, for the which thou hast laboured:

Chapter 65

8. Thus saith the Lord, As the new wine is found in the cluster, and one saith, Destroy it not, for a blessing is in it: so will I do for my servants sakes, that I may not destroy them all.

JEREMIAH

Chapter 13

12. Therefore thou shalt speak unto them this word: Thou saith the Lord God of Israel, Every bottle shall be filled with wine: and they shall say unto thee, Do we not certainly know that every bottle shall be filled with wine?

Chapter 23

9. Mine heart within me is broken because of the prophets; all my bones shake; I am like a drunken man, and like a man whom wine hath overcome, because of the Lord, and because of the words of his holiness.

Chapter 25

15. For thus saith the Lord God of Israel unto me; Take the wine cup of this fury at my hand, and cause all the nations, to whom I send thee, to drink it.

Chapter 31

12. Therefore they shall come and sing in the height of Zion, and shall flow together to the goodness of the Lord, for wheat, and for wine, and for oil, and for the young of the flock and of the herd: and their soul shall be as a watered garden; and they shall not sorrow any more at all.

Chapter 35

2. Go unto the house of the Rechabites, and speak unto them, and bring them into the house of the Lord, into one of the chambers, and give them wine to drink.

5. And I set before the sons of the house of the Rechabites pots full of wine, and cups, and I said unto them, Drink ye wine.

6. But they said, We will drink no wine: For Jonadab the son of Rechab our father commanded us, saying, Ye shall drink no wine, neither ye, nor your sons for ever:

8. Thus have we obeyed the voice of Jonadab the son of Rechab our father in all that he hath charged us, to drink no wine all our days, we, our wives, our sons, nor our daughters;

14. The words of Jonadab the son of Rechab, that he commanded his sons not to drink wine, are performed; for unto this day they drink

none, but obey their father's commandment: notwithstanding I have spoken unto you, rising early and speaking; but ye hearkened not unto me.

Chapter 40

10. As for me, behold, I will dwell at Mizpah, to serve the Chaldeans, which will come unto us: but ye, gather ye wine, and summer fruits, and oil, and put them in your vessels, and dwell in your cities that ye have taken.

12. Even all the Jews returned out of all places whither they were driven, and came to the land of Judah, to Gedaliah unto Mizpah, and gathered wine and summer fruits very much.

Chapter 48

33. And the joy and gladness is taken from the plentiful field, and from the land of Moab; and I have caused wine to fall from the wine-presses: none shall tread with shouting; their shouting shall be no shouting.

Chapter 51

7. Babylon hath been a golden cup in the Lord's hand, that made all the earth drunken: the nations have drunken of her wine; therefore the nations are mad.

LAMENTATIONS

Chapter 2

12. They say to their mothers, Where is corn and wine? when they swooned as the wounded in the streets of the city, when their soul was poured out into their mothers' bosom.

EZEKIEL

Chapter 27

18. Damascus was thy merchant in the multitude of the wares of thy making, for the multitude of all riches; in the wine of Helbon, and white wool.

Chapter 44

21. Neither shall any priest drink wine, when they enter into the innercourt.

DANIEL

Chapter 1

5. And the king appointed them a daily provision of the king's meat, and of the wine which he drank: so nourishing them three years, that at the end thereof they might stand before the king.

8. But Daniel purposed in his heart that he would not defile himself with the portion of the king's meat, nor with the wine which he drank: therefore he requested of the prince of the eunuchs that he might not defile himself.

16. Thus Melzar took away the portion of their meat, and the wine that they should drink; and gave them pulse.

Chapter 5

1. Belshazzar the king made a great feast to a thousand of his lords, and drank wine before the thousand.

2. Belshazzar, whilst he tasted the wine, commanded to bring the golden and silver vessels which his father Nebuchadnezzar had taken out of the temple which was in Jerusalem; that the king, and his princes, his wives, and his concubines, might drink therein.

4. They drank wine, and praised the gods of gold, and of silver, of brass, of iron, of wood, and of stone.

23. But hast lifted up thyself against the Lord of heaven; and they have brought the vessels of his house before thee, and thou, and thy lords, thy wives, and thy concubines, have drunk wine in them; and thou hast praised the gods of silver, and gold, of brass, iron, wood, and stone, which see not, nor hear, nor know; and the God in whose hand thy breath is, and whose are all thy ways, hast thou not glorified:

Chapter 10

3. I ate no pleasant bread, neither came flesh nor wine in my mouth, neither did I anoint myself at all, till three whole weeks were fulfilled.

HOSEA

Chapter 2

8. For she did not know that I gave her corn, and wine, and oil, and multiplied her silver and gold, which they prepared for Baal.

9. Therefore, will I return, and take away my corn in the time thereof, and my wine in the season thereof, and will recover my wool and my flax given to cover her nakedness.

22. And the earth shall hear the corn, and the wine, and the oil; and they shall hear Jezreel.

Chapter 3

1. Then said the Lord unto me, Go yet, love a woman beloved of her friend, yet an adulteress, according to the love of the Lord toward the children of Israel, who look to other gods, and love flagrons of wine.

Chapter 4

11. Whoredom and wine and new wine take away the heart.

Chapter 7

5. In the day of our king the prices have made him sick with bottles of wine; he stretched out his hand with scorn.

14. And they have not cried unto me with their heart, when they howled upon their beds; they assemble themselves for corn and wine, and they rebel against me.

Chapter 9

2. The floor and the winepress shall not feed them, and the new wine shall fail in her.

4. They shall not offer wine offerings to the Lord, neither shall they be pleasing unto him: their sacrifices shall be unto them as the bread of mourners; all that eat thereof shall be polluted: for their bread for their soul shall not come into the house of the Lord.

Chapter 14

7. They that dwell under his shadow shall return; they shall revive as the corn, and grow as the vine: the scent thereof shall be as the wine of Lebanon.

JOEL

Chapter 1

5. Awake, ye drunkards, and weep; and howl, all ye drinkers of wine, because of the new wine: for it is cut off from your mouth.

10. The field is wasted, the land mourneth; for the corn is wasted: the new wine is dried up, the oil languisheth.

Chapter 2

19. Yea, the Lord will answer and say unto his people, Behold, I will send you corn, and wine, and oil, and ye shall be satisfied therewith: and I will no more make you a reproach among the heathen:

24. And the floors shall be full of wheat, and the fats shall overflow with wine and oil.

Chapter 3

3. And they have cast lots of my people; and have given a boy for an harlot, and sold a girl for wine, that they might drink.

18. And it shall come to pass in that day, that the mountains shall drop down new wine, and the hills shall flow with milk, and all the rivers of Judah shall flow with waters, and a fountain shall come forth of the house of the Lord, and shall water the valley of Shittim.

AMOS

Chapter 2

8. And they lay themselves down upon clothes laid to pledge by every altar, and they drink the wine of the condemned in the house of their god.

12. But ye gave the Nazarites wine to drink; and commanded the prophets, saying, Prophecy not.

Chapter 5

11. Forasmuch therefore as your treading is upon the poor, and ye take from him burdens of wheat: ye have built houses of hewn stone, but ye shall not dwell in them; ye have planted pleasant vineyards, but ye shall not drink wine of them.

Chapter 6

6. That drink wine in bowls, and anoint themselves with the chief ointments: but they are not grieved for the affliction of Joseph.

Chapter 9

13. Behold, the days come, saith the Lord, that the plowman shall overtake the reaper, and the treader of grapes him that soweth seed; sweet wine, and all the hills shall melt.

14. And I will bring again the captivity of my people of Israel, and they shall build the waste cities, and inhabit them; and they shall plant vineyards, and drink the wine thereof; they shall also make gardens, and eat the fruit of them.

MICAH

Chapter 2

11. If a man walking in the spirit and falsehood do lie, saying, I will prophesy unto thee of wine and of strong drink; he shall even be the prophet of this people.

Chapter 6

15. Thou shalt sow, but thou shalt not reap; thou shalt tread the olives, but thou shalt not anoint thee with oil; and sweet wine, but shall not drink wine.

HABAKKUK

Chapter 2

5. Yea also, because he transgresseth by wine, he is a proud man, neither keepeth at home, who enlargeth his desire as hell, and is as death, and cannot be satisfied, but gathereth unto him all nations, and heapeth unto him all people.

15. Woe unto him that giveth his neighbor drink, that putteth thy bottle to him, and maketh him drunken also, that thou mayest look on their nakedness!

ZEPHANIAH

Chapter 1

13. Therefore their goods shall become a booty, and their houses a desolation: they shall also build houses, but not inhabit them; and they shall plant vineyards, but not drink the wine thereof.

HAGGAI

Chapter 1

And I called for a drought upon the land, and upon the mountains, and upon the corn, and upon the new wine, and upon the oil, and upon that which the ground bringeth forth, and upon men, and upon cattle, and upon all the labour of the hands.

ZECHARIAH

Chapter 9

15. The Lord of hosts shall defend them; and they shall devour, and subdue with sling stones; and they shall drink, and make a noise as through wine; and they shall be filled like bowls, and as the corners of the altar.

17. For how great is his goodness, and how great is his beauty: corn shall make the young men cheerful, and new wine the maids.

Chapter 10

7. And they of Ephraim shall be like a mighty man, and their heart shall rejoice as through wine: yea, their children shall see it, and be glad; their heart shall rejoice in the Lord.

MATTHEW

Chapter 9

17. Neither do men put new wine into old bottles: else the bottles break, and the wine runneth out, and the bottles perish; but they put new wine into new bottles, and both are preserved.

Chapter 11

19. The Son of man came eating and drinking, and they say, Behold a man gluttonous, and a winebibber, a friend of publicans and sinners. But wisdom is justified of her children.

Chapter 26

29. But I say unto you, I will not drink henceforth of this fruit of the vine, until that day when I drink it new with you in my Father's kingdom.

MARK

Chapter 2

22. And no man putteth new wine into old bottles: else the new wine doth burst the bottles, and the wine is spilled, and the bottles will be marred: but new wine must be put into new bottles.

Chapter 14

25. Verily I say unto you, I will drink no more of the fruit of the vine, until that day that I drink it new in the kingdom of God.

Chapter 15

23. And they gave him to drink wine mingled with myrrh: but he received it not.

LUKE

Chapter 1

15. For he shall be great in the sight of the Lord, and shall drink neither wine nor strong drink; and he shall be filled with the Holy Ghost, even from his mother's womb.

Chapter 5

37. And no man putteth new wine into old bottles; else the new wine will burst the bottles, and be spilled, and the bottles shall perish.

38. But new wine must be put into new bottles; and both are preserved.

39. No man also having drunk old wine straightway desireth new: for he saith, The old is better.

Chapter 7

33. For John the Baptist came neither eating bread nor drinking wine; and ye say, He hath a devil.

34. The Son of man is come eating and drinking; and ye say, Behold a gluttonous man, and a winebibber a friend of publicans and sinners!

Chapter 10

34. And went to him, and bound up his wounds, pouring in oil and wine, and set him on his own beast, and brought him to an inn, and took care of him.

Chapter 22

18. For I say unto you, I will not drink of the fruit of the vine, until the kingdom of God shall come.

JOHN

Chapter 2

3. And when they wanted wine, the mother of Jesus saith unto him, They have no wine.

9. When the ruler of the feast had tasted the water that was made wine, and knew not whence it was: (but the servants which drew the water knew;) the governor of the feast called the bridegroom,

10. And saith unto him, Every man at the beginning doth set forth good wine; and when men have well drunk, then that which is worse: but thou hast kept the good wine until now.

Chapter 4

46. So Jesus came again into Cana of Galilee where he made the water wine. And there was a certain nobleman whose son was sick at Capernaum.

ACTS

Chapter 2

13. Others mocking said, These men are full of new wine.

ROMANS

Chapter 14

21. It is good neither to eat flesh, nor to drink wine, nor any thing whereby thy brother stumbleth, or is offended, or is made weak.

EPHESIANS

Chapter 5

18. And be not drunk with wine, wherein is excess; but be filled with the Spirit;

I TIMOTHY

Chapter 3

3. Not given to wine, no striker, not greedy of filthy lucre; but patient, not a brawler, not covetous;

8. Likewise must the deacons be grave, not doubletongued, not given to much wine, not greedy of filthy lucre;

Chapter 5

23. Drink no longer water, but use a little wine for thy stomach's sake and thine often infirmities.

TITUS

Chapter 1

7. For a bishop must be blameless, as the steward of God; not self-willed, not soon angry, not given to wine, no striker, not given to filthy lucre;

Chapter 2

3. The aged woman likewise, that they be in behaviour as becometh holiness, not false accusers, not given to much wine, teachers of good things;

I PETER

Chapter 4

3. For the time past of our life may suffice as to have wrought the will of the Gentiles, when we walked in lasciviousness, lusts, excess of wine, revellings, banquetings, and abominable idolatries:

REVELATION

Chapter 6

6. And I heard a voice in the midst of the four beasts say, A measure of wheat for a penny, and three measures of barley for a penny; and see thou hurt not the oil and the wine.

Chapter 14

8. And there followed another angel, saying, Babylon is fallen, is fallen, that great city, because she made all nations drink of the wine of the wrath of her fornication.

10. The same shall drink of the wine of the wrath of God, which is poured out without mixture into the cup of his indignation; and he shall be tormented with fire and brimstone in the presence of the holy angels, and in the presence of the Lamb:

19. And the angel thrust in his sickle into the earth, and gathered the vine of the earth, and cast it into the great winepress of the wrath of God.

20. And the winepress was trodden without the city, and blood came out of the winepress, even unto the horse bridles, by the space of a thousand and six hundred furlongs.

Chapter 16

19. And the great city was divided into three parts, and the cities of the nations fell: and great Babylon came in remembrance before God, to give unto her the cup of the wine of the fierceness of his wrath.

Chapter 17

2. With whom the kings of the earth have committed fornication, and the inhabitants of the earth have been made drunk with the wine of her fornication.

Chapter 18

3. For all nations have drunk of the wine of the wrath of her fornication, and the kings of the earth have committed fornication with her, and the merchants of the earth are waxed rich through the abundance of her delicacies.

13. And cinnamon, and odours, and ointments, and frankincense, and wine, and oil, and fine flour, and wheat, and chariots, and salves, and souls of men.

Chapter 19

15. And out of his mouth goeth a sharp sword, that with it he should smite the nations: and he shall rule them with a rod of iron: and he treadeth the winepress of the fierceness and wrath of Almighty God.

Mr. SHEPPARD. Mr. President, the Senator from Maryland [Mr. BRUCE] has repeated all the old arguments against prohibition—arguments which were repudiated by the American people when they adopted prohibition; first, when they adopted it in more than a majority of the States, and then when they made it a part of the American Constitution.

The practical question before us is this: Is the enforcement work of prohibition officials in the United States effective?

Take the figures for the last fiscal year, the year ending June 30, 1927, as given us by the National Commissioner of Prohibition, Dr. J. M. Doran. He tells us in his annual report that prohibition agents made 64,986 arrests during the year ending June 30, 1927, and seized 7,139 automobiles, valued at \$3,529,296.70, and 353 boats, valued at \$316,323; that as a result of the work of such agents 51,945 prohibition cases against individuals were handled in the Federal courts; that 36,546 persons were convicted, of which number 11,818 received jail sentences; that the courts imposed sentences aggregating 4,477 years and fines amounting to \$5,775,225.48. I have not the figures for State prosecutions and convictions.

It may fairly be said that a law is being enforced if the great majority of the people obey it and if a great majority of the indictments and captures of its violators result in convictions.

Prohibition in the United States fulfills both these conditions. The fact that arrests for drunkenness have increased does not mean that drunkenness is increasing. It is a well-known fact that some decades ago, before the last great movement for prohibition began—the movement beginning with its adoption first by precincts and counties, and then by States, and then by the Nation as a whole—drinking was practically universal and drunkenness in various stages quite general. Comparatively few arrests were made for drunkenness, and those only in instances where intoxication was very pronounced.

Again, Mr. President, it is unfair to take the year 1920 as a basis of comparison and calculation in estimating whether there has been an increase in drunkenness under national prohibition. In the year 1920—the year in whose beginning nationwide prohibition was adopted—the lawless liquor element was not organized to meet the new situation. The supplies purchased in anticipation of a long dry spell had not been exhausted. The methods of redistilling denatured alcohol had not been devised. Conditions then were radically different from what they are to-day. Naturally there was a lull in the activity of the liquor traffic, and naturally there was an abnormal falling off in consumption of liquor during 1920. The liquor traffic was in a stage of transition between a lawful status and an unlawful status. Naturally it required something like the entire compass of a year to adapt itself to the new conditions and to begin another career of law violation, exemplifying the same lawless spirit that had always characterized it in the past.

Much ado has been made over the number of dismissals of officials from the Federal Prohibition Service since nationwide prohibition began, in an effort to demonstrate what some persons have been pleased to term "widespread corruption among these prohibition officials." What are the facts?

Approximately 15,000 different persons were employed in the Federal prohibition service from the beginning of national prohibition in 1920 to October 1, 1927.

Of these 15,000 prohibition officials, 29 were dismissed in that period of nearly seven years for false statements on application for appointment, or less than one-fifth of 1 per cent.

Of these 15,000 prohibition officials, 158 were dismissed in that period of nearly seven years for extortion, bribery, or soliciting money, or a little more than 1 per cent.

Of these 15,000 prohibition officials, 90 were dismissed in that period of nearly seven years for falsification of expense accounts, or a little more than one-half of 1 per cent.

Of these 15,000 prohibition officials, 81 were dismissed in that period of nearly seven years for collusion and conspiracy, including conspiracy to violate the national prohibition act, to extort bribes from violators, to defraud the United States Government, and so forth, or a little more than one-half of 1 per cent.

Of these 15,000 prohibition officials, 61 were dismissed in that period of nearly seven years for illegal disposition of liquor and other property, or a little less than one-half of 1 per cent.

Of these 15,000 prohibition officials, 6 were dismissed in that period of nearly seven years for embezzlement, or about one-twenty-fifth of 1 per cent.

Of these 15,000 prohibition officials, 101 were dismissed in that period of nearly seven years for causes listed in the records of the Prohibition Unit under "dereliction of duty," such causes as failure to report violations of the national prohibition act, leaving guard duty without permission, and so forth, or about two-thirds of 1 per cent.

Of these 15,000 prohibition officials, 8 were dismissed in that period of nearly seven years for robbery of warehouses, or about one-eighteenth of 1 per cent.

Of these 15,000 prohibition officials, 300 were dismissed in that period of nearly seven years for intoxication and misconduct, the latter term covering immorality, assault, arrest for speeding, gambling, fighting, creating disturbance, and so forth, or 2 per cent.

Of these 15,000 prohibition officials, 8 were dismissed in that period of nearly seven years for violation of the national prohibition act, or about one-eighteenth of 1 per cent.

Of these 15,000 prohibition officials, 17 were dismissed in that period of nearly seven years for disclosing confidential information, or a little more than one-eighth of 1 per cent.

Of these 15,000 prohibition officials, 196 were dismissed in that period of nearly seven years for unsatisfactory service and insubordination, or about 1½ per cent.

Of these 15,000 prohibition officials, 8 were dismissed in that period of nearly seven years for acceptance of gratuities, or about one-eighteenth of 1 per cent.

Twenty-two were dismissed for submission of false reports, or a little less than one-sixth of 1 per cent.

Thirteen were dismissed for theft, or a little less than one-tenth of 1 per cent.

Six were dismissed for contempt of court, or about one twenty-fifth of 1 per cent.

Nine were dismissed for assault, or a little more than one-sixteenth of 1 per cent.

Five were dismissed for perjury or subornation of perjury, or one-thirtieth of 1 per cent.

Five were dismissed for political activity, or one-thirtieth of 1 per cent.

Seven were dismissed in that period for misuse of firearms, or about one twenty-first of 1 per cent.

One was dismissed for failure to file income-tax returns, or one one-hundred-and-fiftieth of 1 per cent.

Three were dismissed for former criminal record, or one-fiftieth of 1 per cent.

One was dismissed for false pretenses—that is, issuing worthless checks—or one one-hundred-and-fiftieth of 1 per cent.

I have taken these figures, except the percentages, from the records of the Prohibition Unit. The percentages represent my own calculations.

These figures do not include the narcotic division but apply only to prohibition workers. They show a total number of dismissals for all causes among the prohibition forces of 1,135 out of about 15,000 employees through a period of seven years, or about 8 per cent, an average of but little more than 1 per cent a year.

So the charges of wholesale corruption and crime among prohibition officials are not borne out by these figures.

From January 16, 1920, the date on which nation-wide prohibition began, to December 1, 1927, national prohibition officers made more than 400,000 arrests of violators of prohibition laws, many of them criminals of the most dangerous character. The antiprohibitionists have told us much about the murderous tendencies of the prohibition-enforcement officials. In clashes between the prohibition officials and criminals about 125 persons whom they were attempting to arrest have been killed during these seven years, and about 50 prohibition officials have been killed. Of those death cases brought about by some action of the prohibition officials, 74 presented facts so clearly exonerating the officers that no prosecution was made; and yet a magazine article in the East has been based upon the contention that among these prohibition officials were many murderers!

In 29 of these cases there were trials and acquittals of the prohibition officials.

In two cases both parties to the encounter were killed.

One case was dismissed on account of the death of the defendant.

In five cases there were convictions of the officers involved. One of those convictions was on an indictment for second-degree murder and resulted in a sentence of three years in the penitentiary. Another was for manslaughter on the part

of an officer in Massachusetts, the governor commuting the sentence after part of it had been served.

Another was for assault and battery, presumably with intent to murder, resulting in a sentence of six months to three years in the penitentiary. The case was appealed with what result I do not know. The fourth conviction was for involuntary manslaughter, resulting in a fine of \$100 and costs. An appeal was taken, with the result as yet undetermined. The fifth conviction was on a plea of guilty to a charge of involuntary manslaughter, and the sentence was for one year to life. It did not involve the prohibition act. It grew out of the death of a person whose car was struck by a car driven by the prohibition official.

Ten cases were pending in the courts on December 1, 1927, and the outcome is not yet known. In one of these a trial and acquittal have occurred since that time.

In seven cases the Prohibition Unit has no record as to disposition. One of these grew out of the deaths of two persons in a launch which collided with a launch driven by a prohibition official. In a few of these cases more than one official took part.

Considering the more than 400,000 arrests by prohibition enforcement officials of the outlaws who make or vend illicit liquor, many of them desperate, vicious, murderous to the last degree, it is remarkable that there have been so comparatively few fatalities. Especially is this true when it is recalled that these criminals have killed nearly 50 prohibition officials while the latter were endeavoring to enforce the prohibition laws.

The figures I have given do not include the narcotic enforcement officers.

The Senator from Maryland sends a message from the Senate Chamber to the wets throughout the United States. He tells them to be of good cheer, that everything is going their way.

Mr. President, everything goes the antiprohibition way between election days. Everything goes the prohibition way on election days. With such a condition prohibitionists are entirely contented.

They tell us of references in the Bible to intoxicating liquor. There is a clear distinction observable throughout that Sacred Book between fermented and unfermented drinks. The former it unsparingly condemns. The Bible itself finds one of its strongest foundations in the Ten Commandments, most of which are prohibitions, beginning with the prohibitory words "Thou shalt not." When God said, "Thou shalt not kill" He said also in effect, contemplating the various forms of the destruction of man by man, "Thou shalt not tolerate a traffic in a poison which kills."

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On April 21, 1928:

S. 2752. An act to amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes.

On April 23, 1928:

S. 754. An act for the relief of certain Porto Rican taxpayers; S. 2858. An act to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field;

S. 3194. An act to establish the Bear River migratory-bird refuge;

S. 3224. An act to extend the provisions of the forest exchange act, approved March 20, 1922 (42 Stat. 465), to the Crater National Forest, in the State of Oregon;

S. 3225. An act to enlarge the boundaries of the Crater National Forest; and

S. J. Res. 72. Joint resolution to grant permission for the erection of a memorial statue of Cardinal Gibbons.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DICKINSON of Iowa, Mr. WASON, Mr. SUMMERS of Washington, Mr. BUCHANAN, and Mr. SANBLIN were appointed managers on the part of the House at the conference.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

Mr. McNARY. I ask the Chair to lay before the Senate the action of the House of Representatives on the agricultural appropriation bill.

The PRESIDING OFFICER (Mr. BLEASE in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McNARY. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McNARY, Mr. JONES, Mr. KEYES, Mr. OVERMAN, and Mr. HARRIS conferees on the part of the Senate.

CONSTRUCTION OF VESSELS BY TRANSOCEANIC CORPORATION (S. DOC. NO. 87)

The PRESIDING OFFICER laid before the Senate a communication from the chairman of the United States Shipping Board, transmitting, in response to Senate Resolution 125 of January 27, 1928 (submitted by Mr. BINGHAM), a report relative to the proposal of the Transoceanic Corporation in connection with the construction of fast passenger vessels, which was referred to the Committee on Commerce and ordered to be printed with illustrations.

ONA HARRINGTON

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2126) to provide for compensation for Ona Harrington for injuries received in an airplane accident, which was, on page 1, line 5, after the word "appropriated," to insert "and in full settlement against the Government."

Mr. DENEEN. I move that the Senate concur in the House amendment.

The motion was agreed to.

APPROPRIATIONS FOR LEGISLATIVE BRANCH

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12875) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes.

The PRESIDING OFFICER. The clerk will read the bill for action on the amendments of the committee.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the subhead "Office of the Vice President," on page 2, line 5, after the figures "\$4,200," to strike out "assistant"; and in the same line, after the figures "\$2,080," to insert "assistant," so as to read:

Salaries: Secretary to the Vice President, \$4,200; clerk, \$2,080; assistant clerk, \$1,940; assistant clerk, \$1,830; in all, \$10,050.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Secretary," on page 2, line 16, after the words "Journal clerk," to strike out "\$4,200" and insert "\$4,500"; in the same line, after the figures "\$3,150," to insert "chief bookkeeper, \$3,000"; in line 18, after the words "printing clerk," to strike out "\$3,000" and insert "\$3,150"; in line 19, after the words "file clerk," to strike out "chief bookkeeper"; in line 24, after the figures "\$1,770," to strike out "assistant keeper of stationery, \$2,360" and insert "two assistant keepers of stationery, at \$1,800 each"; on page 3, line 2, after the words "assistant in library" to strike out "\$1,520" and insert "\$1,800"; in line 3, after the word "laborers," to strike out "four" and insert "one, \$1,350, three"; in the same line, after the word "each," to strike out "two at \$1,010 each" and insert "one, \$1,010"; and in line 5, after the words "in all," to strike out "\$102,620" and insert "\$103,910," so as to make the paragraph read:

Salaries: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of contingent fund of the Senate, \$6,500; assistant secretary, Henry M. Rose, \$4,500; chief clerk, who shall perform the duties of reading clerk, \$5,500; financial clerk, \$5,000; principal clerk, \$3,420; assistant financial clerk, \$4,200; minute and Journal clerk, \$4,500; legislative clerk, \$3,150; chief bookkeeper, \$3,000; librarian, \$3,000; enrolling clerk, \$3,150; printing clerk, \$3,150; executive clerk, \$2,890; file clerk, and assistant Journal clerk, at \$2,880 each; first assistant librarian, and keeper of stationery, \$2,780 each; assistant librarian, \$2,150; skilled laborer, \$1,520; clerks—three at \$2,880 each, one at \$2,590, one at \$2,460, one at \$2,100, one at \$1,800, one at \$1,770; two assistant keepers of stationery, at \$1,800 each; assistant in stationery room, \$1,520; messenger in library, \$1,310; special officer, \$2,150; assistant in library, \$1,800; laborers—one at \$1,350, three at \$1,140 each, one at \$1,010, one in stationery room at \$1,440; in all, \$103,910.

Mr. WARREN. Mr. President, I send to the desk an amendment to the amendment.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. On page 2, line 23, in the items for clerks in the office of the Secretary of the Senate, strike out "one at \$2,100" and insert "two at \$2,100 each."

The amendment to the amendment was agreed to.

Mr. WARREN. I ask the Senate to reject the first amendment of the committee, on page 3, line 3.

The PRESIDING OFFICER. Without objection, the amendment is disagreed to.

Mr. WARREN. I move to strike out "four" and insert in lieu thereof "two at \$1,350 each, two."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Committee employees," on page 3, line 25, after the words "assistant clerk," to strike out "\$2,570" and insert "\$2,750," so as to read:

Claims: Clerk, \$3,300; assistant clerk, \$2,750; assistant clerk, \$2,360; two assistant clerks, at \$1,830 each.

The amendment was agreed to.

The next amendment was, on page 4, line 17, after the word "at," to strike out "\$2,360" and insert "\$3,000," so as to read:

Finance: * * * two experts (one for the majority and one for the minority) at \$3,000 each.

The amendment was agreed to.

The next amendment was, on page 5, line 5, after the words "assistant clerk," to strike out "\$1,940" and insert "\$2,150," so as to read:

Irrigation and reclamation: Clerk, \$3,300; assistant clerk, \$2,150; assistant clerk, \$1,830; additional clerk, \$1,520.

The amendment was agreed to.

The next amendment was, on page 5, line 13, after the figures "\$2,500," to insert "assistant clerk, \$2,400"; and in line 14, after the figures "\$1,940," to strike out "three" and insert "two," so as to read:

Military Affairs: Clerk, \$3,300; assistant clerk, \$2,590; assistant clerk, \$2,400; additional clerk, \$1,940; two assistant clerks, at \$1,830 each.

The amendment was agreed to.

The next amendment was, on page 6, line 16, after the words "assistant clerk," where it occurs the first time, to strike out "\$1,940" and insert "\$2,150," so as to read:

Territories and Insular Possessions: Clerk, \$3,300; assistant clerk, \$2,150; assistant clerk, \$1,830; additional clerk, \$1,520.

The amendment was agreed to.

The next amendment was, on page 6, line 17, to change the total appropriation for clerks and messengers to Senate committees from \$380,940 to \$383,390.

The amendment was agreed to.

Mr. KING. Mr. President, I want to ask the Senator from Wyoming a question. I see on pages 3, 4, 5, and 6 a large number of increases in the number of clerks. In view of the fact that we shall soon adjourn and Congress will not be in session until next December, and that when it meets then it will continue in session only until the 4th of the following March, I was wondering what the necessity was for this large increase in the number of clerks.

Mr. WARREN. There have been some changes back and forth, but the total increase in the bill is less, I think, than \$8,000.

Mr. CURTIS. There is no increase in the number of clerks.

Mr. WARREN. One or two are taken out of those provided for in resolutions, but it makes no difference in the amount.

Mr. CURTIS. Clerks who have heretofore been authorized in resolution, who have been paid out of the contingent fund, have been placed in the bill.

Mr. KING. May I say to the Senator that a number of the clerks provided for in resolutions were only temporary, and it was understood that they were for some temporary purpose?

Mr. WARREN. There are some of those left. The ones to whom I have alluded are those put on temporarily to take others' places, and they are wanted permanently, so we put them in the bill rather than have them taken care of in resolutions.

The next amendment was, under the subhead "Office of Sergeant at Arms and Doorkeeper," on page 7, line 7, after the figures "\$6,500" to strike out "Assistant Doorkeeper, \$4,200; Acting Assistant Doorkeeper, \$4,200," and insert "two Assistant Sergeants at Arms, at \$4,500 each," so as to read:

Salaries: Sergeant at Arms and Doorkeeper, \$6,500; two Assistant Sergeants at Arms, at \$4,500 each.

The amendment was agreed to.

The next amendment was, on page 7, at the end of line 12, to change the compensation of the messenger at the card door from \$2,400 to \$2,580.

The amendment was agreed to.

Mr. WARREN. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 7, line 15, strike out "\$3,600" and insert in lieu thereof "\$4,000."

The amendment was agreed to.

The next amendment was, on page 7, line 20, to change the compensation of the laborer in charge of private passage from \$1,340 to \$1,440.

The amendment was agreed to.

The next amendment was, on page 7, at the end of line 23, to change the compensation of the chief telephone operator, from \$2,040 to \$2,160.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I offer the following amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 8, line 3, strike out "\$1,240" and insert in lieu thereof "\$1,500."

The amendment was agreed to.

The next amendment was, on page 8, at the end of line 6, to change the total appropriation for the office of Sergeant at Arms and Doorkeeper from \$206,245.30 to \$209,155.30.

The amendment was agreed to.

Mr. WARREN. I offer another amendment.

The PRESIDING OFFICER. The Senator from Wyoming offers an amendment, which the clerk will state.

The CHIEF CLERK. On page 8, line 13, strike out "eight" and insert in lieu thereof "seven."

The amendment was agreed to.

The next amendment was, under the subhead "Folding room," on page 8, line 16, after the word "foreman," to strike out "\$1,940" and insert "\$2,160"; in the same line, after the word "assistant," to strike out "\$1,730" and insert "\$1,940"; and at the end of line 18 to strike out "\$22,340" and insert "\$22,770," so as to read:

Salaries: Foreman, \$2,160; assistant, \$1,940; clerk, \$1,520; folders—7 at \$1,310 each, 7 at \$1,140 each; in all, \$22,770.

The amendment was agreed to.

Mr. WARREN. Mr. President, I offer a committee amendment which was overlooked.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 9, line 3, strike out "\$10,000" and insert in lieu thereof "\$13,000."

The amendment was agreed to.

The next amendment was, on page 9, line 5, to increase the appropriation for driving, maintenance, and operation of an automobile for the Vice President from \$3,500 to \$4,000.

The amendment was agreed to.

The next amendment was, on page 9, at the end of line 24, to strike out "\$150,000" and insert "\$250,000," so as to read:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, \$250,000.

The amendment was agreed to.

The next amendment was, on page 10, line 2, to change the item for reporting the debates and proceedings of the Senate from "\$50,844" to "\$55,340."

The amendment was agreed to.

The next amendment was, on page 10, at the end of line 9, to strike out "\$35,000" and insert "\$40,000," so as to read:

For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under the supervision of the Committee on Rules, United States Senate, \$40,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Architect of the Capitol," on page 23, line 3, after the word "Capitol," to strike out "\$6,000" and insert "\$7,500"; and at the end of line 8 to strike out "\$31,052.80" and insert "\$32,552.80," so as to read:

Salaries: Architect of the Capitol, \$7,500; chief clerk, \$3,150; civil engineer, \$2,770; two clerks, at \$1,840 each; compensation to dis-

bursing clerk, \$1,000; laborers—one at \$1,104, two at \$1,010 each, two at \$950 each; forewoman of charwomen, \$760; 21 charwomen, at \$412.80 each; in all, \$32,552.80.

The amendment was agreed to.

The next amendment was, under the subhead "Capitol Buildings and Grounds," on page 23, after line 21, to insert:

Senate wing reconstruction: To rearrange and reconstruct the Senate wing of the Capitol in accordance with the report of the Architect of the Capitol contained in Senate Document No. 161, Sixty-eighth Congress, second session, with such alterations as the Senate Committee on Rules may from time to time approve, to be immediately available and to remain available until June 30, 1930, \$500,000, to be expended by the Architect of the Capitol, under the direction and supervision of the said Committee on Rules.

Mr. KING. Mr. President, I would like to ask whether that plan has been fully approved, whether it has been adopted, or whether this is just an authorization of an appropriation which will be provided for later?

Mr. WARREN. Of course, the committee had before it the plans a month or two ago. They have been discussed, not only for a month or two but for a long time. Of course, this is a rather unusual item, because it is a large amount, and there is nobody to whom we may send it for indorsement except the Senate itself. So nothing has been done toward getting an estimate from the Budget Bureau for this.

Mr. KING. Mr. President, I do not like to object to this appropriation, but I confess I have some misgivings as to this plan and about having it adopted. I am sure very few Senators have given any consideration to the matter, or any consideration to the cost. Undoubtedly there were some reasons impelling the committee to make the recommendation, but for myself I do not feel liking voting for it with the limited information which is now available.

Mr. COPELAND. Mr. President, I can well share the feelings of the Senator from Utah, except for the fact that this has been very well considered. Let me review the history.

In the Sixty-eighth Congress I presented a resolution asking for an examination of the Senate Chamber and the drawing of plans with reference to a more livable place. That resolution was adopted in the Sixty-eighth Congress, and Carrere & Hastings, the architects who drew the plans for the Senate Office Building and House Office Building and who have drawn the plans for various changes in the Capitol Building, famous architects, drew plans.

Those plans were submitted to various architects to see how much it would cost to carry them out. Mr. Hastings came before the committee, and I have before me a report of the extensive hearing held when Mr. Hastings and other architects appeared. It was demonstrated to the satisfaction of the committee that this work could be done, according to the statement of Mr. Hastings, for \$450,000. To be on the safe side we adopted a round figure of \$500,000. The work is to be carried out under the direction of the Committee on Rules.

What is to be accomplished? In 12 years 36 Senators have died in office, and most of the men who have died have been Senators who have spent much of their time in this Chamber. There is no Senator here to-day who spends more time in the Chamber attending to his duties than does the Senator from Utah. Unfortunately, the very men who spend most of their time here are the ones most likely to suffer because of physical conditions which are existent.

The plan provides for carrying this Chamber out to the north wall of the Capitol. It will be interesting to the Senator from Utah and other Senators who have not studied it to know that that was the original plan. The Chamber was originally to have gone to the north wall. The contracts were let and the foundations were in and when the building was completed to this story, a change was decided upon, and it was determined to make a thermos bottle out of the Chamber instead of a livable place. The present plan will make a semicircular chamber, and at the north wall there will be no galleries provided for in the plan, but there will be three noble windows, which will reach from the floor to the ceiling, 20 feet wide. There will be 60 feet of glass reaching from the floor to the ceiling, looking out to the north sky.

Mr. President, I hope the amendment will be adopted and the work done. Since I have been a Member of this body I have been sorry I am a doctor. I can not help appraising the health of the men in this Chamber. I have prophesied to myself almost without failure the deaths that would occur. It saddens me now when I look into the faces of men here to see how health is melting from them and, with each session of the Senate, how they break down physically.

I say to my friend from Utah and to every other Senator that there is no more important thing that can be done than

to change this impossible place into a livable place. We have gone far enough in our investigations to know that we have a sensible plan. Mr. Hastings has consulted with many of the great architects of the country, and we are told that when this plan is modified we will have the finest legislative chamber in the world from the artistic and architectural standpoint and also from the standpoint of health.

I do not think I need to say more. I have bothered Senators collectively and individually about this matter ever since I have been in the Senate. Here we have it before us. We have it in our hands to convert this Chamber into a livable place. The press representatives in the press gallery now have 2,100 square feet in their quarters. Under the new plan they will have nearly 3,000 square feet. They will be brought into a livable place, too. All the galleries will be enlarged. There will be more gallery space than we have at the present time, and every part of the Chamber will be a place of health promotion and not one of health detraction as it is at present.

Mr. President, I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 25, line 15, under "Senate Office Building," to strike out "\$87,854" and insert in lieu thereof "\$89,854."

The amendment was agreed to.

The PRESIDING OFFICER. This concludes the formal committee amendments.

The reading of the bill was concluded.

Mr. WARREN. Mr. President, I send to the desk the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 24, line 19, after the word "Capitol," insert "without compliance with sections 3707 and 3744 of the Revised Statutes of the United States."

The amendment was agreed to.

Mr. WARREN. I ask unanimous consent that the clerks at the desk be authorized to correct the totals in the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSES. Mr. President, I offer the following amendment, which I send to the desk.

Mr. WARREN. It is a committee amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 33, line 25, after the word "pay," insert the following:

And hereafter said leave shall be at the current rate for the regular position at the time leave is granted.

Mr. KING. Mr. President, will the Senator please explain the purpose of the amendment?

Mr. MOSES. It is in order to do away with the great variety of accounting that has to be made for the annual leave of employees of the Government Printing Office because of differing rates at which they are paid, whether night work or during the rush work of the CONGRESSIONAL RECORD when Congress is in session. This is to provide a salaried annual leave basis which shall be considered on the same basis as that of other employees.

Mr. KING. Is it a committee amendment?

Mr. MOSES. Yes; and also the next amendment which I am about to offer.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from New Hampshire.

The amendment was agreed to.

Mr. MOSES. I send to the desk another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 37, line 9, insert the following:

Section 91, chapter 5, title 20 of the Code of Laws of the United States is hereby amended so as to include and apply to the Government Printing Office.

Mr. MOSES. This amendment provides simply that the laboratory of research and experiment of the Government Printing Office shall be made available for the manufactures of paper envelopes and other printing material on exactly the same terms as laboratories and bureaus of research in the other departments of the Government, so that prospective bidders for materials supplied by the Government Printing Office shall have an opportunity to have their materials tested at the laboratory of the Printing Office itself and a report thereon when they submit their bids. It will involve no expense whatever.

Mr. KING. It will not result in a duplication of activities?

Mr. MOSES. No. On the contrary, it will undoubtedly very greatly simplify the work of bidding for materials supplied by the Government Printing Office.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, we have increased the salaries of quite a number of employees, but nowhere have the doorkeepers been taken care of. I send to the desk an amendment to increase the salaries of five doorkeepers, and I hope the Senate will adopt the amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 7, line 11, strike out "\$2,150" and insert in lieu thereof "\$2,400."

Mr. WARREN. Mr. President, before proceeding further I think I ought to say that we have sent to the desk as committee amendments certain authorizations covering certain matters which have been offered, in order to avoid any possible question as to whether they were or were not in order. Those amendments have been agreed to in the regular order.

The time has come when miscellaneous amendments may be offered. I want it understood, so far as the committee is concerned, that it believes it is doing justice in the amendments which have been presented, especially as to salaries. Of course, we have employees in this Chamber and connected with the Senate in whom we have great confidence and employees whom we love. At various times they get various ideas about what they should have in the matter of increased salaries. It is hard for a Senator to resist the appeals of Senate employees, especially those who may come from his home town, community, or State. But somewhere, some time, somebody has to try to arrange for these things in an orderly way, so that we may be just to all and unjust to none.

There are some points which come up involving the expense of carrying on the business of the Senate outside; but I am speaking now with reference to the salaries of Senate employees in and about the Chamber. Of course, the chairman of the Appropriations Committee is in the hands of the Senate. Anyone who serves on the Committee on Appropriations is likewise in the hands of the Senate. But if each one, without taking into consideration others, undertakes to bring about salary increases indiscriminately, we can readily appreciate what resulting turmoil might and probably would follow. All that the chairman of the committee can do is to state what he believes is proper as decided upon by the full committee. He can only state to the Senate the decisions of the committee, whether right or wrong, and the Senate must settle these questions for itself.

Mr. OVERMAN. Mr. President, I am a member of the Committee on Appropriations. Time and again I have seen increases made here for some favorites and yet all the while these poor fellows are sitting at our doors, year in and year out, drawing very modest salaries. I have sat here this evening and noticed increases made of \$4,000, \$3,600, \$3,300. This amendment of mine involves an increase totaling only about \$1,500, and I think it is only just that the Senate should agree to it. These men need the increase and ought to have it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. WARREN. Mr. President, I must object to such procedure in this instance. Let us have a vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Deneen	Kendrick	Ransdell
Barkley	Dill	Keyes	Reed, Mo.
Bayard	Edge	King	Robinson, Ind.
Bingham	Edwards	La Follette	Sackett
Black	Fletcher	Locher	Schall
Blaine	Frazier	McKellar	Sheppard
Blease	Gerry	McLean	Shortridge
Bratton	Glass	McMaster	Simmons
Brookhart	Gould	McNary	Smith
Broussard	Greene	Mayfield	Stephens
Bruce	Hale	Metcalf	Swanson
Capper	Harris	Moses	Thomas
Caraway	Harrison	Norbeck	Tydings
Copeland	Hawes	Norris	Tyson
Couzens	Hayden	Oddie	Warren
Curtis	Hellin	Overman	Waterman
Cutting	Johnson	Phipps	Wheeler
Dale	Jones	Pittman	

Mr. JONES. I desire to announce that the Senator from Idaho [Mr. GOODING] and the Senator from West Virginia [Mr. GORE] are detained on official business in committee.

Mr. NORRIS. I desire to announce that the Senator from North Dakota [Mr. NYE], the senior Senator from Montana [Mr. WALSH], and the junior Senator from New York [Mr. WAGNER] are engaged in official business of the Senate before the Committee on Public Lands.

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from North Carolina

[Mr. OVERMAN]. [Putting the question.] The noes seem to have it.

Mr. HARRISON. Mr. President, I understood that that amendment had been adopted before the call was made for a quorum.

Mr. OVERMAN. I also thought the amendment had been adopted.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. WARREN] called for a quorum.

Mr. HARRIS. I ask that the question may be again put.

Mr. BLAINE. I ask for a division.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 7, line 11, it is proposed to strike out "\$2,150" and in lieu thereof to insert "\$2,400," so as to read:

Five (acting as assistant doorkeepers, including one for minority) at \$2,400 each.

The question being put, on a division the amendment was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and is still open to amendment.

Mr. COPELAND. I send forward an amendment to be inserted after line 19, on page 24.

The PRESIDING OFFICER. The amendment proposed by the Senator from New York will be stated.

The CHIEF CLERK. On page 24, after line 19, it is proposed to insert:

without compliance with sections 3709 and 3744 of the Revised Statutes of the United States: *Provided*, That in carrying out the reconstruction and ventilation of the Senate Chamber and House of Representatives, the Architect of the Capitol is authorized, within the appropriation herein made, to enter into such contracts in the open market, to make such expenditures (including expenditures for furniture, material, supplies, equipment, accessories, advertising, travel, and subsistence) and to employ such professional and other assistants without regard to the provisions of section 35 of the public buildings omnibus act, approved June 25, 1910, as amended, as may be approved by such committee.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. PHIPPS. Mr. President, I send to the desk an amendment which I have had heretofore printed. It will be noted that as now submitted I have eliminated two or three words in the original text of the amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 21, after line 24, it is proposed to insert:

REIMBURSEMENT FOR EXPENSES OF TRAVEL OF CERTAIN CLERKS

That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to reimburse from the contingent funds of the Senate and of the House, respectively, until otherwise provided for, to one clerk or to one assistant clerk to each Senator and/or Representative, or to one clerk or assistant clerk to each committee of the Senate and to each committee of the House, such amounts as may be necessarily paid by said clerk or assistant clerk for railroad fare, Pullman charges, and similar minor expenses of travel, from Washington, D. C., to the place of residence in the State of the Senator or Representative by whom employed, at the time such trip is made, and return therefrom; said reimbursement being hereby expressly limited to one round trip for each regular, extra, or special session of Congress or of the Senate or House, to and from said place of residence, for not to exceed one said clerk or assistant clerk, by the most direct route of travel, such reimbursement to be claimed on vouchers certified by the respective Senators or Representatives employing said clerk or assistant clerk and approved by the chairman, respectively, of the Committee to Audit and Control the Contingent Expenses of the Senate and/or the Committee on Accounts of the House, that such travel has been actually performed and the expense therefor actually incurred.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on

the calendar, beginning where we left off at the last call of the calendar, and that the debate be limited to five minutes under Rule VIII.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the first bill in order on the calendar.

PATENTS TO GOVERNMENT OFFICERS AND EMPLOYEES

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6103) to amend an act entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1884," and for other purposes, which was read, as follows:

Be it enacted, etc., That so much of chapter 143 of the act of Congress approved March 3, 1883 (22 Stat. L. 625), as relates to issue of patents without payment of any fee be, and the same is hereby, amended to read as follows:

"The Commissioner of Patents is authorized to grant, subject to existing law, to any officer, enlisted man, or employee of the Government, except officers and employees of the Patent Office, a patent for any invention of the classes mentioned in section 4886 of the Revised Statutes, without the payment of any fee when the head of the department or independent bureau certifies such invention is used or liable to be used in the public interest: *Provided*, That the applicant in his application shall state that the invention described therein, if patented, may be manufactured and used by or for the Government for governmental purposes without the payment to him of any royalty thereon, which stipulation shall be included in the patent."

Mr. LA FOLLETTE. Mr. President, I ask that the Senator from Rhode Island [Mr. METCALF], who reported the bill, make a brief explanation of its provisions.

Mr. METCALF. Mr. President, this bill simply proposes to allow any officer or employee of the Government to take out a patent without cost, providing he allows the Government to use it. If passed, it would clarify the old law which was enacted in 1883. The passage of the bill is asked for particularly by the Army, and most of the patents which will be covered by it will be used either in the Navy or in the Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEASING OF PUBLIC LANDS FOR AVIATION FIELDS

The bill (S. 3744) to authorize the leasing of public lands for the use of public aviation fields was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized, in his discretion and under such regulations as he may prescribe, to lease for use as a public airport any contiguous public lands, unreserved and unappropriated, not to exceed 640 acres in area, subject to valid rights in such lands under the public land laws.

SEC. 2. Any lease under this act shall be for a period not to exceed 20 years, subject to renewal for like periods upon agreement of the Secretary of the Interior and the lessee. Any such lease shall be subject to the following conditions:

(a) That an annual rental of such sum as the Secretary of the Interior may fix for the use of the lands shall be paid to the United States.

(b) That the lessee shall maintain the lands in such condition, and provide for the furnishing of such facilities, service, fuel, and other supplies, as are necessary to make the lands available for public use as an airport of a rating which may be prescribed by the Secretary of Commerce.

(c) That the lessee shall make reasonable regulations to govern the use of the airport, but such regulations shall take effect only upon approval by the Secretary of Commerce.

(d) That all departments and agencies of the United States operating aircraft (1) shall have free and unrestricted use of the airport, and (2) with the approval of the Secretary of the Interior, shall have the right to erect and install therein such structures and improvements as the heads of such departments and agencies deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft.

(e) That whenever the President may deem it necessary for military purposes, the Secretary of War may assume full control of the airport.

SEC. 3. With the consent of the lessee, the Secretary of the Interior is authorized to cancel any lease of public lands for use as public aviation fields or airports, made under law in force upon the date of the approval of this act, and to lease such lands to the lessee upon the conditions prescribed by this act.

SEC. 4. The Secretary of the Interior is hereby authorized, in his discretion and under such rules as he may prescribe, to grant permission for the establishment of beacon lights and other air-navigation facilities, except terminal airports, upon tracts of unreserved and unappropriated public lands of the United States of appropriate size, and may withdraw the lands for such purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED NICARAGUAN CANAL

The joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal was announced as next in order.

Mr. JOHNSON. I ask that the joint resolution go over.

Mr. EDGE. Mr. President, will the Senator withhold his objection for a moment. I should like to say a few words.

Mr. JOHNSON. I withhold the objection.

Mr. EDGE. Mr. President, I do not intend actually to press the consideration of this measure at this time, because the Senator from Tennessee [Mr. McKellar] has proposed an amendment to it; but I wish to call the attention of the Senate to the importance of this measure. It will only take me a few moments to do so.

I consider this joint resolution a very important measure. As its title indicates, it merely provides for a survey for the purpose of ascertaining whether it is practicable as a business proposition to construct a Nicaraguan canal as provided by treaty between the United States and Nicaragua, under which treaty we paid to Nicaragua \$3,000,000, as I recall.

The joint resolution also provides that the Army engineers shall make the survey. There is no commission whatever authorized or appointed under the joint resolution, but all the work is to be in the hands of the Army engineers, who shall also ascertain the practicability of enlarging or of increasing the facilities of the Panama Canal.

I am merely taking this time to draw attention to the measure because we all realize that the facilities of the existing canal at Panama are being taxed more and more, and a new canal should be constructed in order to meet the demands of commerce and shipping a few years hence. All reports from the Canal Zone indicate that the facilities of the Panama Canal are rapidly reaching the point of the maximum of its capacity to handle the traffic.

The Senator from Tennessee [Mr. McKellar] a few days ago made an address to the Senate in which he advocated the immediate construction of the Nicaraguan canal. I feel that we should have a survey because of the fact that we have not had one for 27 years. In 1901 a survey was made both of the proposed Nicaraguan canal and the Panama Canal, and while, as I recall, the engineers really recommended the construction of the Nicaraguan canal, Congress later decided to construct the canal at Panama, which was done.

It requires from 15 to 20, or perhaps 25 years, to construct a canal of this magnitude. If the Congress will authorize such a survey as is proposed, we will, of course, obviously be that much nearer to securing the information necessary for a decision. I do hope that the joint resolution may soon be passed. It provides for an appropriation of \$250,000, which I propose, when the joint resolution shall be considered, to cut down to \$150,000, so as to bring the survey up to date, and likewise give Congress the benefit of the advice of the engineers as to the practicability of increasing the Panama Canal. Then it will be in the hands of Congress to decide what, if anything, shall be done.

Mr. JOHNSON. I inquire if the Budget has approved the proposed expenditure.

Mr. EDGE. I may say, in answer to the Senator from California, that the expenditure has been estimated for by the Budget, and has received the absolute and unqualified approval of the Secretary of War, the Secretary of the Navy, and the Secretary of State.

Mr. JOHNSON. Mr. President, I do not want to be in a position of opposition either to the joint resolution which has been presented by the Senator from New Jersey or to the amendment proposed by the Senator from Tennessee, but being very much interested in the Panama Canal and very much interested in an interoceanic canal through Nicaragua, I think that now is a most inappropriate time within the limit of five minutes to decide upon digging a canal across Nicaragua, and I—

Mr. McKellar. I hope the Senator will withhold his objection for a moment. I agree with the Senator; I think more time should be allowed than we now have for the consideration of the subject, but I merely wish to call the attention of the Senate to the reasons for the two amendments I have offered.

The PRESIDING OFFICER. Does the Senator from California withhold his objection?

Mr. JOHNSON. I withhold it in order that the Senator from Tennessee may speak.

Mr. McKellar. I am not going to take more than a couple of minutes at the outside.

Mr. President, there are several preliminaries that must be carried out before any canal may be dug. I imagine that a new survey is necessary. We already have a perfect survey of the ground, but it was made some time ago; so I see no reason why there should not be another survey, and I think one is necessary. However, we entered into a treaty with Nicaragua under which we have the general right to build a canal through Nicaragua. In that treaty itself it is provided that the President before any steps looking to carrying out the project shall be taken must give notice to the Nicaraguan Government of a desire to construct the canal; and of course that preliminary ought to be taken care of at the same time the survey is made.

Mr. CARAWAY. Mr. President—

Mr. McKellar. I yield to the Senator from Arkansas.

Mr. CARAWAY. Is there any intention of exercising our right within a reasonable time of digging a canal down there?

Mr. McKellar. I should think so.

Mr. CARAWAY. What gives the Senator the impression that that right is going to be exercised? Is there any substantial movement to that end on foot?

Mr. McKellar. It is very substantial in view of the fact that the Panama Canal in, say, six years will not be able to afford passage to the ships that will be applying to go through it.

Mr. CARAWAY. That is merely a question of necessity. Is there any real movement on foot that we should now undertake to spend a quarter of a million dollars for a survey?

Mr. McKellar. I think the test is whether or not these amendments shall be accepted, because if there is any intention of carrying out the project, manifestly the amendments should be adopted, for they provide for the preliminary work, just such work as is called for by a survey.

Mr. CARAWAY. Mr. President, let me ask the Senator a question. If we are going to dig a canal, why not authorize the construction of the canal? Then the surveys would be ordered.

Mr. McKellar. I have provided for that in the bill that I have introduced.

Mr. LA FOLLETTE. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The bill will be passed over.

Mr. EDGE. Mr. President, I recognize the fact that this bill can not be discussed under the five-minute rule. I simply wish to give notice that I shall request the committee on order of business to give consideration to placing this bill on their calendar, so that it can be considered in a proper way.

The PRESIDING OFFICER. The Secretary will state the next bill on the calendar.

Mr. McKellar subsequently said: Mr. President, when the joint resolution about the Nicaraguan canal was up a few moments ago, I thought I had offered the amendment. The clerk tells me that I did not do so. I ask unanimous consent that it may be offered and be pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

OHIO RIVER BRIDGE AT OR NEAR SHAWNEETOWN, ILL.

The bill (H. R. 7184) authorizing J. L. Rowan, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Shawneetown, Ill., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. JONES. Mr. President, I do not know whether it makes any difference or not, but the calendar states that this bill is reported by the Senator from Vermont [Mr. Dale] with an amendment.

The PRESIDING OFFICER. There is not any amendment in the bill.

Mr. JONES. Very well. I just took that statement from the calendar.

BILLS PASSED OVER

The bill (S. 3837) authorizing the West Kentucky Bridge & Transportation Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Henderson, Ky., was announced as next in order.

Mr. SACKETT. Mr. President, I should like to ask that that bill go over. There are two bills of that character pending, and the author of this bill is not here.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2097) to provide for the protection of municipal watersheds within the national forests was announced as next in order.

Mr. KING. Mr. President, the able Senator from South Dakota [Mr. Norbeck] is here. This is his bill. It is a very important measure, and I am very much in sympathy with it;

but there is one provision in it that I think is a rather dangerous one, giving too much authority to the President and the Secretary of the Interior to blanket public domain within the forest reserves.

If the Senator will consent that this bill may be passed over—I have not heard of the bill until to-day—until the next calendar day, I shall be very happy to talk to him about it in the meantime, because I am very much in sympathy with the purposes of the bill.

The PRESIDING OFFICER. The bill will be passed over.

LANDS IN FLORIDA

The bill (H. R. 4378) to authorize the Secretary of the Interior to dispose by sale of certain public land in the State of Florida was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 6, after the word "being," to strike out "part of"; in the same line, after the word "numbered," to strike out "1, 2, and 3" and insert "5, 6, 7, and 8"; in line 7, after the figures "32," to strike out "west half northwest quarter and lot No. 1, section 33"; in line 8, after the word "numbered," to strike out "1" and insert "4"; and in line 10, after the words "survey of," to strike out "1847" and insert "1924," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to convey by patent to Alma Laird 127.11 acres, said land being lots Nos. 5, 6, 7, and 8, section 32, and lot No. 4 in section 31, all being in township 2 south, range 17 west of the Tallahassee meridian, according to Government survey of 1924, upon payment by said Alma Laird to the United States of a reasonable appraised value within six months after passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL AND JOINT RESOLUTION PASSED OVER

The bill (S. 3458) to create the reserve division of the War Department, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 116) to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924, was announced as next in order.

Mr. KING. Mr. President, may I ask the Senator from Oregon [Mr. McNARY] whether, if a narrower limitation were placed upon the joint resolution, it would not be effective? My understanding when we passed the bill a few years ago was that all the lands that were desired for the Mississippi Game Refuge could be acquired for from \$1 to \$5 an acre. I do not want to object to it if there is a chance of getting the land for \$5 an acre; and in view of the promises which were made I should be glad to see the limitation placed in the bill.

Mr. NORBECK. Mr. President, that matter has been carefully considered in the committees, and there has been a great deal of debate on it in the House. I think the facts are well known; but I call the attention of the Senator to the fact that there is a House bill on the Calendar that should be taken up, instead of the Senate bill; and I suggest that we pass over the Senate bill for the time being.

Mr. KING. I hope the Senator will understand that whatever the committee agrees should be done will be acceptable to me.

The PRESIDING OFFICER. The bill will be passed over.

THE LATE NELLIE RICHARDS

The bill (H. R. 7722) authorizing the health officer of the District of Columbia to issue a permit for the opening of the grave containing the remains of the late Nellie Richards was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1624) to authorize the payment of additional compensation to the assistants to the engineer commissioner of the District of Columbia was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1625) to fix the salaries of the members of the

Board of Commissioners of the District of Columbia was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

GORGAS MEMORIAL LABORATORY

The bill (H. R. 8128) to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE LATE REGINALD ETHELBERG MYRIE

The bill (H. R. 9569) authorizing the payment of an indemnity to the British Government on account of the death of Reginald Ethelberg Myrie, alleged to have been killed in the Panama Canal Zone on February 5, 1921, by a United States Army motor truck was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REV. F. NORTH

The bill (H. R. 12179) to provide for the reimbursement of the Government of Great Britain on account of certain sums expended by the British chaplain in Moscow, the Rev. F. North, for the relief of American nationals in Russia in 1920 was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE LATE CHANG LIN AND TONG HUAN YAH

The joint resolution (H. J. Res. 145) to provide for the payment of an indemnity to the Chinese Government for the death of Chang Lin and Tong Huan Yah, alleged to have been killed by members of the armed forces of the United States, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE LATE JUAN SORIANO

The joint resolution (H. J. Res. 146) to provide for the payment of an indemnity to the Dominican Republic for the death of Juan Soriano, who was killed by the landing of an airplane belonging to the United States Marine Corps, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE LATE MAX D. KIRJASSOFF

The joint resolution (H. J. Res. 147) for the relief of the estate of the late Max D. Kirjassoff was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEPENDENTS OF THE LATE EDWIN TUCKER

The joint resolution (H. J. Res. 148) to provide for the payment of an indemnity to the British Government to compensate the dependents of Edwin Tucker, a British subject, alleged to have been killed by a United States Army ambulance in Colon, Panama, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WISEMAN

The joint resolution (H. J. Res. 149) to authorize an appropriation for the compensation of William Wiseman was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AREND KAMP AND FRANCIS GORT

The joint resolution (H. J. Res. 150) to provide for the payment of an indemnity to the Government of the Netherlands for compensation for personal injuries sustained by two Netherlands subjects, Arend Kamp and Francis Gort, while the U. S. S. *Canibis* was loading on May 1, 1919, at Rotterdam, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUN JUI-CHIN

The joint resolution (H. J. Res. 151) to provide for payment of the claim of the Government of China for compensation of Sun Jui-chin for injuries resulting from an assault on him by a private in the United States Marine Corps was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTERNATIONAL CONGRESS OF ENTOMOLOGY

The joint resolution (H. J. Res. 152) authorizing and requesting the President to extend invitations to foreign governments to be represented by delegates at the International Congress of Entomology to be held in the United States in 1928 was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN INTERNATIONAL INSTITUTE FOR THE PROTECTION OF CHILDHOOD

The joint resolution (H. J. Res. 230) to provide for the membership of the United States in the American International Institute for the Protection of Childhood was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONFERENCE OF CONCILIATION AND ARBITRATION

The joint resolution (H. J. Res. 262) requesting the President to extend to the Republics of America an invitation to attend a Conference of Conciliation and Arbitration to be held at Washington during 1928 or 1929 was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOULA NATIONAL FOREST, MONT.

The bill (H. R. 126) to add certain lands to the Missoula National Forest, Mont., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, at the end of the bill to insert a new section, as follows:

SEC. 2. The Secretary of the Interior is hereby authorized to consider and allow applications affecting any lands described in this act which were filed prior to April 1, 1926, under the stock-raising homestead act of December 29, 1916 (39 Stat. 862).

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ROSEBUD SIOUX INDIANS, SOUTH DAKOTA

The bill (S. 3438) authorizing a per capita payment to the Rosebud Sioux Indians, South Dakota, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States so much of the tribal funds on deposit therein to the credit of the Rosebud Indians of South Dakota, as may be required to make a \$10 per capita payment to the recognized members of the tribe, and to pay or distribute the same under such rules and regulations as he may prescribe.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SIOUX TRIBE OF INDIANS

The bill (H. R. 6862) authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CROW RESERVATION, MONT.

The bill (H. R. 11478) to amend an act to allot lands to children on the Crow Reservation, Mont., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. This bill is the unfinished business, and will be passed over.

LEAVE TO EMPLOYEES OF INDIAN SERVICE

The bill (H. R. 11629) to amend the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 9, after the word "hereafter" to strike out "employees" and insert "teachers," so as to make the bill read:

Be it enacted, etc., That the proviso of the act approved August 24, 1912 (37 Stat. L. 519, U. S. Code, title 25, sec. 275), as amended by the act approved August 24, 1922 (42 Stat. L. 829, U. S. Code, title 25, sec. 275), be, and the same is hereby, amended so that the proviso shall read: "Provided, That hereafter teachers of the Indian schools and physicians of the Indian Service may be allowed, in addition to annual leave, educational leave not to exceed 30 days per calendar year, or 60 days in every alternate year, for attendance at educational gatherings, conventions, institutions, or training schools, if the interest of the service require, and under such regulations as the Secretary of the Interior may prescribe, and no additional salary or expense on account of this leave of absence shall be incurred."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF TRANSPORTATION ACT OF 1920

The bill (S. 3723) to amend and reenact subdivision (a) of section 209 of the transportation act, 1920, was announced as next in order.

Mr. KING. Mr. President, I should like to have some explanation regarding this bill.

The PRESIDING OFFICER. In the absence of the author of the bill, it will be passed over.

Mr. KING subsequently said: The Senator from Maryland [Mr. BRUCE] was absent a moment ago when I asked for an explanation in regard to Senate bill 3723, of which he is the author, as I understand.

Mr. BRUCE. I hope that bill will be taken up for consideration.

The PRESIDING OFFICER. Without objection, the Senate will return to Order of Business 820, Senate bill 3723, the Senator from Maryland having returned to the Chamber.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That subdivision (a) of section 209 of the transportation act, 1920, be, and the same is hereby, amended and reenacted so as to read as follows:

"(a) When used in this section—

"The term 'carrier' means (1) a carrier by railroad or partly by railroad and partly by water, whose railroad or system of transportation is under Federal control at the time Federal control terminates, or which has heretofore engaged as a common carrier in general transportation and competed for traffic, or connected, with a railroad at any time under Federal control; and (2) a carrier by water not controlled by any railroad company, or a sleeping-car company, whose system of transportation is under Federal control at the time Federal control terminates, but does not include a street or interurban electric railway not under Federal control at the time Federal control terminates, which has as its principal source of operating revenue urban, suburban, or interurban passenger traffic or sale of power, heat, and light, or both;

"The term 'guaranty period' means the six months beginning March 1, 1920;

"The term 'test period' means the three years ending June 30, 1917; and

"The term 'railway operating income' and other references to accounts of carriers by railroad shall, in the case of a carrier by water not controlled by any railroad company, or of a sleeping-car company, be construed as indicating the appropriate corresponding accounts in the accounting system prescribed by the commission."

SEC. 2. That this act shall be effective from and after February 28, 1920: *Provided,* That the passage of this amendatory act shall in no wise affect any rights or benefits conferred by said subdivision (a) in

said original section 209, nor shall the language used herein be construed to exclude any beneficiary embraced within the terms of said original act.

Mr. KING. Reserving the right to object, I shall be glad to hear an explanation from the Senator.

Mr. BRUCE. Mr. President, during the World War the Government, as we all know, took over each and every system of transportation, consisting of railroads and "owned" or "controlled" systems of coastwise and inland transportation engaged in general transportation. Among the transportation lines that it took over were the lines of the Merchants & Miners' Transportation Co. That company had some 14 ships, 3 tugs, 48 barges, and certain valuable buildings and wharves. Its ships plied between Baltimore and Providence and Boston and also between Baltimore and Savannah and Jacksonville. It was not, however, a transportation line within the literal meaning of section 209 of the Federal transportation act of 1920, which prolonged Federal-control rates for the benefit of carriers for a period of six months by the "guaranty-clause" provisions contained in that act and defined the term "carrier" as meaning a carrier by railroad or partly by railroad and partly by water. In other words, the Merchants & Miners' Transportation Co. was an independent line and unaffiliated with any railroad. Nevertheless, it was taken over by the Government, and when the time came for the relinquishment of Government control it refused to accept relinquishment, although by agreement with the Government it resumed the possession of its property, with the stipulation that it was without prejudice to any of its rights in the premises. Afterwards it filed its claim for compensation under the Federal control act, and the board of referees appointed by the Interstate Commerce Commission found that it was under Federal control until March 1, 1920, and that the attempted relinquishment by the Government was without legal effect. All carriers embraced within section 209 of the transportation act being given the opportunity to file with the Interstate Commerce Commission on or before March 15, 1920, a written statement declaring that they accepted the guaranty provisions of that act, the Merchants & Miners' Transportation Co. filed such a statement. It is to obtain the amount to which it is morally entitled under the guaranty that the pending bill was introduced into the Senate at the instance of the Merchants & Miners' Transportation Co. Manifestly, the failure to include independent steamship lines in section 209 of the transportation act of 1920 was a mere inadvertence, and under the circumstances the Merchants & Miners' Transportation Co. is as justly entitled to the benefits of the "guaranty clause" provided for by World War legislation as if it, when taken over, had been a carrier partly by railroad and partly by water. I trust, therefore, that the bill will be passed.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FLETCHER. Mr. President, I infer that it was simply an inadvertence in the language used in the act of 1920 that this line was not included.

Mr. BRUCE. That is it—nothing but an inadvertence.

Mr. FLETCHER. The report so shows.

Mr. BRUCE. That is right.

Mr. FLETCHER. The report says:

We have limited the effect of the amendment to the one independent water carrier inadvertently excluded. Justice and equity require the enactment of this law to correct the manifest discrimination against this independent water line.

This bill, therefore, is brought in to correct a mere inadvertence.

Mr. BRUCE. And, of course, the letter of the chairman of the Interstate Commerce Commission, Mr. Clark—

The PRESIDING OFFICER. The time of the Senator has expired.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1945) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes, approved July 11, 1916, and for other purposes, was announced as next in order.

Mr. JONES. At the request of the Senator from Connecticut [Mr. BINGHAM], I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3554) to authorize the National Academy of Sciences to investigate the means and methods for affording Federal aid in discovering a cure for cancer, and for other purposes, was announced as next in order.

Mr. CURTIS. At the request of the Senator from Utah [Mr. SMOOT], I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.
AMENDMENT OF UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE ACT

The joint resolution (H. J. Res. 200) to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924, was considered as in Committee of the Whole.

Mr. McNARY. I move that the House joint resolution be substituted for the Senate joint resolution and that the Senate joint resolution be indefinitely postponed.

The PRESIDING OFFICER. Without objection, that order will be made.

Mr. BLAINE. After the substitution of the House joint resolution is made, I ask that the joint resolution go over for the time being.

The PRESIDING OFFICER. Under objection, the joint resolution will be passed over.

CLAIMS OF INDIANS OF WASHINGTON

The bill (S. 1480) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred on the Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, as in other cases, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims of the Lower Spokane and the Lower Pend O'Reille or Lower Callispell Tribes or Bands of the State of Washington, or any of said tribes or bands, against the United States arising under or growing out of the original Indian title, claim, or rights of the said Indian tribes and bands, or any of said tribes or bands (with whom no treaty has been made), in, to, or upon the whole or any part of the lands and their appurtenances claimed by said Lower Spokane Tribe or Band of Indians, in the State of Washington, and embraced within the following general descriptions, to wit:

Commencing in the State of Washington on the east and west Government survey township line between townships 24 and 25 north at a point whose longitude is 119° 10' west; thence east along said township line to the first draw leading and draining into Hawk Creek in Lincoln County, Wash.; thence down the center of said draw to said Hawk Creek and down the center of said Hawk Creek to its conflux with the Columbia River; thence up and along the south and east bank of the Columbia River to the north bank of the Spokane River at its conflux with the Columbia River, which said boundary lines separate the lands of said Lower Spokane Tribe or Band of Indians from those, the several so-called Colville and Okanogan Tribes or Bands of Indians; thence easterly up and along the north bank of the said Spokane River to a north and south line whose longitude is 118° west; thence south along said line to its intersection with the 47th parallel of latitude; thence west along said 47th parallel to a line whose longitude is 119° 10' west; thence north on said line to the point of beginning, which two latter lines of boundary separate the lands of the said Lower Spokane Tribe or Band of Indians from the lands of the confederated Yakima Indians as defined by the treaty between the United States and said Yakima Indians concluded at Camp Stevens, Walla Walla Valley, Washington Territory, June 9, 1855 (12 U. S. Stat. L. 951, 956); lands in the States of Idaho, Montana, and Washington, claimed by said Lower Callispell or Lower Pend O'Reille Indian Tribe or Band of Indians and embraced within the following description, to wit:

Commencing at a point in the State of Idaho at the 49th parallel latitude on the divide between the waters of the Flat Bow or Kootenai River and those of the Clark Fork River and its tributaries; thence southerly and southeasterly along said summit of the divide, known as the Cabinet Mountain, to the headwaters of Thompsons River in Sanders County, Mont.; thence southerly along the divide between Thompsons River and the tributaries of the Flathead River to the town of Plains, Mont., and continuing southwesterly on a line drawn through St. Regis, Mont., to the summit of the Callispell or Coeur d'Alene Range of the Bitter Root Mountains (which said boundaries separate the original habitat and lands of said Lower Callispell or Lower Pend O'Reille Indians from those of the Cooteney, Upper Pend O'Reille, and Flathead Tribes or Bands of Indians as defined by the treaty between the United States and said last-named tribes or bands of Indians, executed July 16, 1855) (12 Stat. L. 975-979); thence northwesterly along the summit of said Callispell or Coeur d'Alene Range and the divide between the waters of the said Clark Fork River and those of the Coeur d'Alene River, and along said course extend to and across the Spokane Plains and continuing in a general northwesterly direction to the divide separating the waters of said Clark Fork River from the Spokane River and its tributaries to the main ridge of the Callispell Mountains in the State of Washington; and thence in a northerly direction, along the summit of

main ridge of said Callispell Mountains, and said course extending to the international boundary line between the Province of British Columbia and the State of Washington; then east along said international boundary line to the point of beginning, which last-named boundaries separate the original habitat and land of said Lower Callispell or Lower Pend O'Reille Indians from those of the Coeur d'Alene, Spokane, Colville, and Lake Tribes or Bands of Indians; which said lands or rights therein or thereto are claimed to have been taken away from said Indian tribes and bands, or some of them, by the United States, recovery therefor in no event to exceed \$1.25 per acre; together with all other claims of said tribes or bands of Indians, or any of said tribes or bands, arising under or growing out of fishing rights and privileges held and enjoyed by said tribes and bands, or any of them, in the waters of the Columbia River and its tributaries; or arising or growing out of hunting rights and privileges held and enjoyed by said tribes and bands, or any of them, in common with other Indians in the "common hunting grounds" east of the Rocky Mountains as reserved by and described in the treaty with Blackfoot Indians, October 17, 1855 (11 Stat. L. 657-662), and which are claimed to have been taken away from said tribes and bands, or any of them, by the United States without any treaty or agreement with such Indian claimants therefor and without compensation to them.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be instituted or petition, subject to amendment, be filed as herein provided in the Court of Claims within five years from the date of the approval of this act, and such suit or suits shall make the said Lower Spokane and Lower Callispell or Lower Pend O'Reille Indian Tribes or Bands of Washington, or any of said tribes or bands, party or parties plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Indians approved in accordance with existing law; and said contract shall be executed in their behalf by a committee or committees selected by said Indians as provided by existing law. Official letters, papers, documents and records, maps, or certified copies thereof may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indians to such treaties, papers, maps, correspondence, or reports as they may require in the prosecution of any suit or suits instituted under this act.

SEC. 3. In said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Indian tribes and bands, or any of them, but any payment or payments which have been made by the United States upon any such claim or claims shall not operate as an estoppel, but may be pleaded as an offset in such suit or suits, as may gratuities, if any, paid to or expended for said Indian tribes and bands or any of them.

SEC. 4. Any other tribes or bands of Indians the court may deem necessary to a final determination of any suit or suits brought hereunder may be joined therein as the court may order: *Provided*, That upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, by any one of said tribes or bands, and in no event to exceed the sum of \$25,000 for any one of said tribes or bands of Indians, together with all necessary and proper expenses incurred in the preparation and prosecution of such suit or suits to be paid to the attorney or attorneys employed as herein provided by the said tribes or bands of Indians, or any of said tribes or bands, and the same shall be included in the decree, and shall be paid out of any sum or sums adjudged to be due said tribes or bands, or any of them, and the balance of such sum or sums shall be placed in the Treasury of the United States, where it shall draw interest at the rate of 4 per cent per annum.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF TRANSPORTATION ACT, 1920

MR. BRUCE. Mr. President, I ask unanimous consent that the vote by which Senate bill 3723 was passed be reconsidered.

THE PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote by which the bill was ordered to a third reading and was passed is reconsidered.

MR. BRUCE. I offer the amendment which I send to the desk.

THE PRESIDING OFFICER. The amendment will be stated.

THE CHIEF CLERK. On page 2, line 9, after the word "both," to insert a colon and "*Provided*, That the claim or claims of any carrier to which the benefits of this section are hereby for the first time made available shall be filed with the commission within 60 days from the date of the approval of this amendment, and shall be allowed and paid as otherwise provided in this act, notwithstanding the provisions of any prior statute or administrative rule, or ruling, of limitation."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DETAIL OF ROAD ENGINEERS TO LATIN-AMERICAN REPUBLICS

The bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin-American Republics in highway matters was announced as next in order.

MR. KING. Mr. President, may I inquire of the Senator from Nevada whether the committee considered all the implications of this bill? I recall that a number of years ago a proposition was made that the engineers of the Reclamation Service be made available for corporations or individuals who owned land privately and desired to reclaim or improve their land. After consideration, it was deemed unwise to pass such legislation, for the reason that a considerable number of the staff would undoubtedly be obtained by private persons—they would pay for them, of course—and it would necessarily increase the number of officials, the personnel, of the Reclamation Service. When they are gotten on the roll, under the civil service, it is difficult to get them off the roll again.

If the President of the United States may detail engineers of the road department to go to Panama, or to the Argentine, or to Brazil, to help build roads there, obviously additional engineers will have to be employed in the road department at home. Those persons who go get additional compensation, they have longevity rating, they are under the civil service, and, though I do not use the term offensively, you are "padding" the rolls, getting more employees upon the rolls in order to help other countries.

I am perfectly willing to help other countries, but I am unwilling to increase the personnel of our Government in order to furnish employees to other countries. If they are cut off the rolls to go to other countries and take their chances, and then take their chances of being reemployed, I have no objection. It does seem to me that the bill in its present form is a little too broad, and in order that we may consider it in all of its implications I ask the Senator to let it go over.

MR. ODDIE. Mr. President, I will ask the Senator from Utah to withhold his objection for just a moment.

I call the attention of the Senator to the fact that the wording of this provision is identical with that of the provision of the existing law giving authority to the President to detail officers of the Army, Navy, and Marine Corps to assist the Latin-American Republics in military and naval matters. There is a very great demand for this bill, because unless it is passed the road-building program in the Western Hemisphere will be materially retarded. The road organizations of the country would like to see this legislation passed.

The Bureau of Public Roads has approved it, the Department of Agriculture has approved it, and the Budget has reported that it is not in conflict with the President's policy.

MR. KING. I have no doubt on earth that the departments would not fail to approve such legislation as this, because it adds to the personnel. I know that the object back of it is entirely meritorious, but I am looking to the future. It would increase the personnel. They would be given longevity rating, they would get retirement pay, and we would be multiplying the expenses of the Government. It does seem to me that we ought to give this further consideration, and I ask that it go over temporarily.

MR. ODDIE. In answer to the Senator's last statement I will say that the object of the bill is very meritorious. It is bigger than any question such as the Senator from Utah has raised. I will be pleased if he will withdraw his objection.

THE PRESIDING OFFICER. Does the Senator withdraw his objection?

MR. KING. No.

THE PRESIDING OFFICER. The bill will be passed over.

RURAL POST ROADS

The bill (S. 3674) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That for the purposes of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the construction and maintenance of the main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations; by the Bureau of Public Roads if on Fed-

eral reservations, and by the respective State highway departments, under agreement with the Secretary of Agriculture, if on any other part of the Federal-aid highway system or on the United States numbered system of highways: *Provided*, That in the allocation of any such funds authorized to be appropriated under this act or any subsequent act, preference shall be given to those projects which are located on the Federal-aid highway system or on the United States numbered system of highways, as the same are now, or may hereafter be designated:

The sum of \$3,500,000 for the fiscal year ending June 30, 1929;

The sum of \$3,500,000 for the fiscal year ending June 30, 1930;

The sum of \$3,500,000 for the fiscal year ending June 30, 1931:

Provided, That the sums hereby authorized shall be in addition to any other sums authorized or appropriated for roads, and shall be allocated to the States having more than 5 per cent of their area in lands hereinafter referred to, and said sums shall be apportioned among said States in the proportion that said lands in each of said States is to the total area of said lands in the States eligible under the provisions of this act, and no contribution from the States shall be required in the expenditure thereof.

SEC. 2. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. H. TALBERT

The bill (S. 1645) for reimbursement of W. H. Talbert was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay W. H. Talbert, out of any money in the Treasury not otherwise appropriated, as reimbursement, the sum of \$135 for money expended for repair of automobile wrecked in service of the Indian Department in transporting Indian children from one school to another.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROADS AT THE PRESIDIO, SAN FRANCISCO, CALIF.

The bill (H. R. 9047) to authorize appropriations for the construction of roads at the Presidio of San Francisco, Calif., was considered as in Committee of the Whole.

Mr. KING. Mr. President, I would like to ask the Senator from California whether in the appropriation bill which was passed a few weeks ago, carrying several hundred millions for the Army, there was not an appropriation made for these roads in the Presidio?

Mr. JOHNSON. No. This is \$47,000 asked by the War Department and absolutely essential for the roads in the Presidio at San Francisco.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIPPINE CONSTABULARY SERVICE

The bill (S. 3463) to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in determining the pay period and rights of retirement in the case of officers of the Regular Army, active duty performed as an officer of the Philippine Constabulary shall be credited to the same extent as service under a Regular Army commission or other active duty recognized under the provisions of section 127a of the national defense act of June 8, 1916, as amended by the act of June 4, 1920.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M. SHERMAN

The bill (S. 162) to change the military record of William M. Sherman was considered as in Committee of the Whole. The bill had been reported by the Committee on Military Affairs with an amendment on page 1. The committee proposes, on page 1, to strike out all after the enacting clause and to insert the following:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, or their dependents, William M. Sherman, who served as a private of Troop A, Eighth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said organization on the 7th day of March, 1901:

Provided, That no bounty, pension, pay, or other emoluments shall accrue prior to the passage of this act.

Mr. KING. Mr. President, I would like to have an explanation of this from the Senator from Florida.

Mr. FLETCHER. Mr. President, this man enlisted and deserted shortly after he enlisted; he was court-martialed and dishonorably discharged. He enlisted twice after that and was honorably discharged both times. He was granted a pardon for his first dishonorable discharge for desertion. He was pardoned by the President, but that does not correct the record, and this is to correct the record. He enlisted twice after the first discharge, and both times his record was marked good. Having been pardoned for the first offense by the President, the committee felt that he was entitled to this relief. I think it is a meritorious case.

THE PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of William M. Sherman."

ACOMA PUEBLO INDIANS

The bill (H. R. 11479) to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. C. PEIXOTTO

The bill (S. 1433) for the relief of J. C. Peixotto was announced as next in order.

Mr. KING. Let that be passed over.

THE PRESIDING OFFICER. The bill will be passed over.

GILPIN CONSTRUCTION CO.

The bill (S. 1530) for the relief of Gilpin Construction Co. was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and is hereby, authorized and directed to pay to Gilpin Construction Co., of Astoria, Oreg., \$112,990.32, out of any money in the Treasury not otherwise appropriated, and in full settlement of any and all claims against the United States arising out of and/or in connection with Navy Department Bureau of Yards and Docks contract No. 4615, dated February 17, 1923, for the furnishing of all labor and materials and the construction of four timber piers, one timber bulkhead, two brush bulkheads, a railroad track, and for the dredging of the channel and turning basin at the Navy submarine and destroyer base at Astoria, Oreg., and as compensation for any and all services, labor, and materials furnished thereunder or extra thereto.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF HOMESTEAD SETTLERS, MINNESOTA

The bill (H. R. 8487) to adjudicate the claims of homestead settlers on the drained Mud Lake bottom, in the State of Minnesota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. ROY KNABENSHUE

The bill (S. 3809) conferring jurisdiction upon the Court of Claims of the United States or the district courts of the United States to hear, adjudicate, and enter judgment on the claim of Roy A. Knabenshue against the United States for the use or manufacture of an invention of Roy A. Knabenshue, covered by Letters Patent No. 858875, issued by the Patent Office of the United States under date of July 2, 1907, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 7, to strike out "Roy A." and insert in lieu thereof "A. Roy," so as to make the bill read:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims and/or the district court of the United States, notwithstanding the lapse of time or the statute of limitations, to hear, examine, adjudicate, and render judgment of the claim of A. Roy Knabenshue, for the use and manufacture by or for the United States without license of the owner thereof or lawful right and infringement thereof of patent described in or covered by Letters Patent No. 858875, issued

by the Patent Office of the United States on the 2d day of July, 1907. From any decision in any suit prosecuted under the authority of this act an appeal may be taken by either party as is provided for by law in other cases.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill conferring jurisdiction upon the Court of Claims of the United States or the district courts of the United States to hear, adjudicate, and enter judgment on the claim of A. Roy Knabenshue against the United States for the use or manufacture of an invention of A. Roy Knabenshue, covered by Letters Patent No. 858875, issued by the Patent Office of the United States under date of July 2, 1907."

ILLINOIS, NORTH DAKOTA, WEST VIRGINIA, MINNESOTA, INDIANA, TEXAS, AND ARKANSAS BRIDGE BILLS

The following bridge bills were severally considered as in Committee of the Whole, reported to the Senate without amendment, ordered to a third reading, read the third time, and passed:

H. R. 9485. An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.;

H. R. 11212. An act authorizing Paul Leupp, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Stanton, N. Dak.;

H. R. 11265. An act authorizing the Cabin Creek Kanawha Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Cabin Creek, W. Va.;

H. R. 11266. An act authorizing the St. Albans Nitro Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.;

H. R. 11267. An act granting the consent of Congress to the board of county commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the road between the villages of Cohasset and Deer River, Minn.;

H. R. 11356. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Rockport, Ind.;

H. R. 11473. An act granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North at Fargo, N. Dak.;

H. R. 11578. An act authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Weslaco, Tex.; and

H. R. 11583. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the White River at or near Cotter, Ark.

WHITE RIVER BRIDGE, ARKANSAS

Mr. CARAWAY. Mr. President, in regard to the bill last passed by the Senate, House bill 11583, a bill for this very purpose passed the Senate some days ago. As it went to the House, it possibly differs slightly from this bill, but this one was passed in the House and came to the Senate, and I have no objection to the bill having been passed in this form.

I ask unanimous consent that the Senate bill for the construction of this bridge, which passed the Senate a few days ago, be recalled from the House, because I do not want to have two bills enacted for the same purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MISSOURI RIVER BRIDGE, MONTANA

The bill (H. R. 11625) granting the consent of Congress to the State of Montana, Valley County, Mont., and Garfield County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE

The bill (S. 3862) authorizing J. T. Burnett, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tiptonville, Tenn., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, to strike out line 9 and down to and including the word "Missouri," in line 10, and to insert in lieu thereof the words "at or near Tiptonville, Tenn." and a comma; and on page 3, line 17, to strike out the word "depreciation" and insert in lieu thereof the word "depreciation," so as to make the bill read:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, J. T. Burnett, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Tiptonville, Tenn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon J. T. Burnett, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said J. T. Burnett, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Tennessee, the State of Missouri, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interest in any real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 15 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost as soon as possible under reasonable charges, but within a period of not to exceed 15 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been provided, such bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. J. T. Burnett, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Departments of the States of Tennessee and Missouri, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property therefor, and the

actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, and at an time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said J. T. Burnett, his heirs, legal representatives, and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to J. T. Burnett, his heirs, legal representatives, and assigns, and any corporation to which, or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing J. T. Burnett, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tiptonville, Tenn."

CLAIMS AGAINST THE DISTRICT OF COLUMBIA

The bill (S. 3581) authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia, was announced as next in order.

The bill had been reported by the Committee on the District of Columbia with amendments, on page 1, line 4, to strike out the words "and directed;" and on page 2, to strike out lines 6 to 12 and to insert a new section, as follows:

SEC. 2. No proceeding to cancel a tax assessment, or to recover taxes-paid, shall be brought after one year from the date of the decision of a court of last resort holding void the law under which the tax was levied or paid.

So as to make the bill read:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they hereby are, empowered to settle, in their discretion, claims and suits, either at law or in equity, against the District of Columbia whenever the cause of action—

(a) Arises out of the negligence or wrongful act, either of commission or omission, of any officer or employee of the District of Columbia for whose negligence or acts the District of Columbia is prima facie liable to respond in damages.

(b) Arises out of the existence of facts and circumstances which place the claim or suit within the doctrines and principles of law decided by the courts of the District of Columbia or by the Supreme Court of the United States to be controlling in the District of Columbia.

SEC. 2. No proceeding to cancel a tax assessment, or to recover taxes paid, shall be brought after one year from the date of the decision of a court of last resort holding void the law under which the tax was levied or paid.

SEC. 3. No settlement of any claim or cause of action herein authorized to be made by the Commissioners of the District of Columbia shall in any event exceed the sum of \$5,000, and all settlements entered into by the Commissioners of the District of Columbia acting under the terms and provisions of this act shall be presented to the Congress, together with a brief statement of the nature of the claim or suit, the amount claimed, and the amount of the settlement, with a summary of the evidence and circumstances under which the settlement was made. Appropriations for the payment of such settlements are hereby authorized, payment thereof to be made in the same manner as are other expenditures for the District of Columbia.

SEC. 4. This act shall take effect from and after its passage, but nothing herein contained shall be construed as prohibiting the Commissioners of the District of Columbia from proceeding according to the terms and provisions hereof to settle any claim or suit pending at the time of the enactment hereof, irrespective of the date of presentation of the claim to the Commissioners of the District of Columbia or the date of the filing of the suit.

The amendments were agreed to.

Mr. BLAINE. Mr. President, I do not ask that this bill go over permanently, but I would like to have it go over temporarily.

The PRESIDING OFFICER. The bill will be passed over.

CAPT. WILL H. GORDON

The bill (S. 2821) for the relief of Capt. Will H. Gordon was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. Will H. Gordon, of Plattsburg Barracks, N. Y., the sum of \$472, in full compensation for stoppage against pay of said Capt. Will H. Gordon, covering the loss of 20 pistols for which he was held pecuniarily responsible in accordance with investigation and recommendation of the Inspector general.

Mr. KING. Mr. President, I would like to have an explanation from the Senator from Alabama.

Mr. BLACK. Mr. President, this man was a captain in the Army who left his station under orders of his superior officer. He was instructed exactly how his property should be safeguarded. Those instructions were carried out. He caused the doors to be locked and barred, but a burglary occurred while he was gone under instruction from his superior officer. A guard had been left in the camp.

The burglar obtained some pistols worth about \$470. Those pistols were charged up to Captain Gordon. The board examined and went into the facts, and held, as I believe, correctly, from the evidence, that the captain had done everything possible that a man could do to safeguard the property. However, the survey went up to an officer, I believe, in Washington, who, without giving any reason in the world that I can find, in the record or elsewhere, set aside the finding of the board of survey and charged this loss to the officer.

Under all the facts and the evidence, the man had taken every precaution which any officer could or should have taken. I therefore did not think, and the committee did not think, he should be charged with this \$470.

Mr. KING. Under the Army Regulations, as I understand them, he would have had the right to carry the matter to the Secretary of War. It seems to me it is rather a dangerous precedent for Congress, in the face of an adverse recommendation before the highest tribunal, so to speak, has been reached, to ignore the decision and take it out of the hands of the War Department. If the matter had gone to the ultimate source of authority and they had affirmed the decision and the committee still felt that an injustice had been done, then it seems to me the appeal to Congress would have been more persuasive and more valid.

Mr. BLACK. We did not go completely into the question of appeal. Whether he could have gone any further or not I do not know. I do not think that the Government should be put to any more expense with reference to this charge, which should not have been made against this officer. He did everything he could do. He guarded, he even nailed up the windows and locked the doors, and after he had done that his commanding officer came around to inspect and held that the place was properly guarded. Under those circumstances I can not see any reason or justification, and neither could the committee, in charging the officer with something which was completely beyond his control.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA

Mr. BLAINE. Mr. President, Calendar No. 848 was passed over temporarily. I ask unanimous consent that we may recur to it.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate resumed consideration of the bill (S. 3581) authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia, which had been reported from the Committee on the District of Columbia with amendments, which had been agreed to.

Mr. BLAINE. I ask that the bill be put upon its passage.

Mr. KING. I desire to offer a further amendment. On page 2, line 5, strike out "\$5,000" and insert "\$3,000."

The PRESIDING OFFICER. The amendment will be stated. The CHIEF CLERK. On page 2, line 20, strike out "\$5,000" and insert in lieu thereof "\$3,000," so as to make the bill read:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they hereby are, empowered to settle, in their discretion,

claims and suits, either at law or in equity, against the District of Columbia whenever the cause of action—

(a) Arises out of the negligence or wrongful act, either of commission or omission, of any officer or employee of the District of Columbia for whose negligence or acts the District of Columbia is prima facie liable to respond in damages.

(b) Arises out of the existence of facts and circumstances which place the claim or suit within the doctrines and principles of law decided by the courts of the District of Columbia or by the Supreme Court of the United States to be controlling in the District of Columbia.

SEC. 2. No proceeding to cancel a tax assessment, or to recover taxes paid, shall be brought after one year from the date of the decision of a court of last resort holding void the law under which the tax was levied or paid.

SEC. 3. No settlement of any claim or cause of action herein authorized to be made by the Commissioners of the District of Columbia shall in any event exceed the sum of \$3,000 and all settlements entered into by the Commissioners of the District of Columbia acting under the terms and provisions of this act shall be presented to the Congress, together with a brief statement of the nature of the claim or suit, the amount claimed, and the amount of the settlement, with a summary of the evidence and circumstances under which the settlement was made. Appropriations for the payment of such settlements are hereby authorized, payment thereof to be made in the same manner as are other expenditures for the District of Columbia.

SEC. 4. This act shall take effect from and after its passage, but nothing herein contained shall be construed as prohibiting the Commissioners of the District of Columbia from proceeding according to the terms and provisions hereof to settle any claim or suit pending at the time of the enactment hereof, irrespective of the date of presentation of the claim to the Commissioners of the District of Columbia or the date of the filing of the suit.

Mr. KING. I would like to see how this would operate for a year or two, and then if we desire to increase the limit so that the commissioners may settle for larger amounts, Congress can very quickly act. In the settlement of War Department cases the limit is \$500. I am unwilling, of course, to fix so low a limit. I suggest \$3,000 be inserted instead of \$5,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Utah.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce was announced as next in order.

Mr. COPELAND. Mr. President, I am objecting to the immediate consideration of the bill, because I have not yet firmly established in the minds of Senators how certain people feel about its provisions. Some complaints have come to me about it. I have had some correspondence with gentlemen who are interested in it. I ask that it go over to-day and the next time the calendar is called I shall attempt to elucidate how my people feel about it.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1762) granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State, was announced as next in order.

Mr. METCALF. Over.

The PRESIDING OFFICER. The bill will be passed over.

PUBLIC MARKET, DISTRICT OF COLUMBIA

The joint resolution (S. J. Res. 50) providing that the Secretary of Agriculture be directed to give notice that on and after January 1, 1929, the Government will cease to maintain a public market on Pennsylvania Avenue between Seventh and Ninth Streets NW., was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the Secretary of Agriculture be, and he is hereby, directed to give notice that on and after January 1, 1929, the Government will cease to maintain a public market on Pennsylvania Avenue between Seventh and Ninth Streets NW. The land now occupied by the Center Market shall, after the date above specified, be available for the construction thereon of public buildings of the Government.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SURVEY OF OYSTER BEDS, FLORIDA

The bill (S. 1458) providing for a survey of the natural oyster beds in the waters within the State of Florida was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert the following:

That the Secretary of Commerce be, and he is hereby, directed to have made a survey of the natural oyster beds and barren bottoms contiguous thereto in waters within the State of Florida, and to conduct investigations and experiments for the purpose of increasing oyster production therein, and to make and publish reports of the results of such surveys and investigations. That for such purpose the Coast and Geodetic Survey and the Bureau of Fisheries be, and are hereby, directed to expend, under the direction of the Secretary of Commerce, a sum not exceeding \$25,000, which said sum is hereby authorized to be appropriated for the purpose of said investigation, including employment of personnel at the seat of government and elsewhere, rental of office and laboratory quarters, purchase or hire and/or operation and maintenance of boats and floating equipment, and purchase of scientific apparatus and supplies as may be necessary for the carrying out of this act.

Mr. EDGE. Mr. President, may I ask the Senator from Florida a question?

Mr. FLETCHER. Certainly.

Mr. EDGE. Is this a matter entirely within Federal jurisdiction? We are interested in similar conditions in New Jersey, and I am asking for information.

Mr. FLETCHER. These waters are entirely within the jurisdiction of the Federal Government. This is the exact amendment that was submitted by the Commissioner of the Bureau of Fisheries. Instead of an original bill, we have reported it as an amendment by inserting the entire proposition which he recommended.

Mr. EDGE. What does it provide? Does it provide for the investigation of waters that have not heretofore been planted with oyster seed?

Mr. FLETCHER. Yes; and a survey in cooperation with the Bureau of Fisheries in ascertaining the location of the beds. It is quite an important industry.

Mr. EDGE. I realize the importance of the industry and I am simply asking for information, thinking it might be useful in my section of the country.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 391) to regulate the use of the Capitol Building and Grounds was announced as next in order.

Mr. DILL. Over.

The PRESIDING OFFICER. The bill will be passed over.

BRIDGE ACROSS LAKE CHAMPLAIN, N. Y.

The bill (H. R. 10643) authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the Gulf Coast Properties (Inc.), its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Lake Champlain at a point suitable to the interests of navigation, between a point at or near Rouses Point, N. Y., and a point at or near Windmill Point, Vt., or near Alburg, Vt., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act: *Provided,* That such bridge shall not be so located as to interfere with the landings and the cable used for the operation of the existing ferry between Rouses Point and Alburg.

SEC. 2. There is hereby conferred upon Gulf Coast Properties (Inc.), its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the pro-

ceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Gulf Coast Properties (Inc.), its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of New York, the State of Vermont, any public agency or political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Gulf Coast Properties (Inc.), its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Departments of the States of New York and Vermont a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Gulf Coast Properties (Inc.), its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Gulf Coast Properties (Inc.), its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. COPELAND subsequently said: Mr. President, I ask unanimous consent to return to Calendar No. 855. It seems that my colleague the junior Senator from New York [Mr. WAGNER], who is engaged in an important committee meeting and can not be here this afternoon, desires to have the bill passed over. I was not advised of that until just at this moment. I ask that

we may return to the bill, that the votes by which it was ordered to a third reading and passed may be reconsidered, and the bill be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DALE. Mr. President, may I ask what was the request of the Senator from New York?

The PRESIDING OFFICER. The Senator from New York asks that House bill 10643 be restored to the calendar.

Mr. DALE. I would like to have the Senator explain the purpose of his request.

Mr. COPELAND. I have just this minute been advised that my colleague the junior Senator from New York [Mr. WAGNER] desires to be here when the bill is considered. He is engaged in an important committee hearing this afternoon and can not be present. Out of courtesy to him I have asked that we return to the bill and have it put back on the calendar. Personally I have no objection at all, but my colleague is interested for some reason and the only courteous thing I could see is to have it returned to the calendar in order that he may be present when it is considered.

Mr. DALE. On the other hand, Vermont people are very much interested in getting the bill through. Only this afternoon word was sent to me from the other House that they are anxious to get the bill through. I do not like to be put in the position of consenting to have it put back on the calendar.

Mr. COPELAND. Let me ask the Presiding Officer a question: How long would I have to bring the bill back if it should stand now as passed?

The PRESIDING OFFICER. Two calendar days after today.

Mr. COPELAND. I think I shall have to move to reconsider—

Mr. DALE. The Senator from New York does not need to move to reconsider, because, of course, I will grant his request; but I hope it will not be delayed much longer.

Mr. COPELAND. I am assured that my colleague will be here to-morrow, and at some time during the day I shall be glad to join with the Senator from Vermont in asking for its immediate consideration. There will be no delay so far as I am concerned.

Mr. DALE. Very well.

The PRESIDING OFFICER. Without objection, the votes by which the bill was ordered to a third reading and passed are reconsidered, and the bill will be restored to its place on the calendar.

BILL PASSED OVER

The bill (S. 3919) awarding a gold medal to Lincoln Ellsworth was announced as next in order.

Mr. COPELAND. Mr. President, the Senator from Connecticut [Mr. BINGHAM] is interested in the bill. I would not care to have it passed in his absence. Therefore I ask that it go over without prejudice.

The PRESIDING OFFICER. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 10159) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, will the Senator let the bill go over until the next time the calendar is called?

Mr. NORBECK. Yes. This is a general pension increase for widows. The Senator from Utah has asked that this go over because he has not had an opportunity to examine it. I think that is a perfectly reasonable request. But the Senator from Utah asked that same thing two or three weeks ago with reference to another bill on the calendar. I ask that the other bill be taken up at this time. It is a small bill and provides specific pensions for the Regular Establishment, involving about 300 men and small increases.

Mr. KING. I have no objection.

The PRESIDING OFFICER. On objection, House bill 10159 will be passed over. Is there objection to the request of the Senator from South Dakota for the present consideration of Calendar 738?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10141) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, which had been reported from the Committee on Pensions with amendments.

Mr. KING. Mr. President, may I ask the Senator from South Dakota if the provisions in the bill change in any way existing

law which limits the pensionable status to widows who have been married since 1905?

Mr. NORBECK. No; there is no change in that particular.

Mr. WALSH of Massachusetts. Mr. President, may I inquire if this is the bill which increases the pensions of widows from \$30 to \$50?

Mr. NORBECK. That is the bill which the Senator from Utah has asked to have passed over, and it has gone over.

Mr. WALSH of Massachusetts. It does not change the age limit and provide for pensions for widows married since 1905?

Mr. NORBECK. It does not change the marriage date; no. The Senator from Utah has asked that that bill go over and we are now considering House bill 10141.

Mr. WALSH of Massachusetts. I favor this bill and urge favorable action during the present session. There is general approval of this increase to widows throughout the country. Many widows in destitute circumstances will be greatly benefited by this increase.

Mr. DILL. Mr. President, may I say that in the meantime I hope the Senator from Utah will investigate the bill which was passed over, because a great many of the widows will not be here much longer to have what is to be allowed them.

Mr. NORBECK. I fully agree with the Senator.

The PRESIDING OFFICER. The first amendment of the Committee on Pensions will be stated.

The first amendment of the Committee on Pensions was, on page 2, after line 2, to strike out:

The name of William Q. Cooper, late of Fifth Battery, Iowa Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of \$20 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 5, to strike out:

The name of Ernest W. Raper, late of Company H, Seventh Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$6 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to strike out:

The name of Daniel B. Jones, late of band, Sixth Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 6, to strike out:

The name of Paulinus G. Huhn, late of Company M, Thirteenth Regiment Minnesota Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 22, to strike out:

The name of Vonny A. McClaren, late of Battery C, Ninth Regiment United States Field Artillery, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 9, to strike out:

The name of Mary Elsemer, former widow of Valentine Steil, late of Battery C, First Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to strike out:

The name of Emma R. Walters, widow of Charles R. Walters, late of Company D, Second Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 18, to strike out:

The name of Charles W. Paul, late of Company I, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving: *Provided*, That the increased rate shall not be paid to him for any period he is an inmate of a State or National soldiers' home.

The amendment was agreed to.

The next amendment was, on page 7, line 15, after the words "rate of," to strike out "\$25" and insert "\$20," so as to read:

The name of Sarah E. Bascomb, widow of Herbert C. Bascomb, late of Company B, Nineteenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, after line 10, to strike out:

The name of Charles Sabins, late of Sixth Battery, Iowa Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of \$15 per month.

The amendment was agreed to.

The next amendment was, on page 12, after line 22, to strike out:

The name of Olympia T. Meena, widow of Stratos Meena, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of \$20 per month, with \$6 per month additional on account of the sailor's children under 16 years of age, in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 15, to strike out:

The name of Charles W. Anderson, late of Company H, Signal Corps, United States Army, Regular Establishment, and pay him a pension at the rate of \$90 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, after line 10, to strike out:

The name of Elsie M. Hayes, widow of Perley B. Hayes, late of Troop C, Second Regiment Rhode Island National Guard Cavalry, border defense, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 9, after the words "rate of," to strike out "\$12" and insert "\$20," so as to read:

The name of Rutherford B. H. Blazer, late of Company G, First Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 23, after the words "rate of," to strike out "\$75" and insert "\$50," so as to read:

The name of Kate Coffee McDougal, widow of Charles J. McDougal, late commander, United States Navy, Regular Establishment, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 20, after the words "rate of," to strike out "\$6" and insert "\$12," so as to read:

The name of Harry H. Davis, late of Company K, Third Regiment Missouri Volunteer Infantry, and Signal Corps, United States Army, war with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 13, to strike out:

The name of John E. Quinn, late of Company B, First Regiment Nevada Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$20 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 16, to strike out:

The name of John Prater, late of Company K, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 22, to strike out:

The name of Edith L. Quick, widow of John Henry Quick, late of the United States Marine Corps, war with Spain, and pay her a pension at the rate of \$50 per month in lieu of the compensation that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, after line 21, to insert:

The name of James W. Ashby, late of Troop I, Twelfth Regiment United States Cavalry, and pay him a pension at the rate of \$6 per month.

The name of Arthur E. Wilcox, late of Company K, Forty-first Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Nicholas Muccino, late of One hundred and sixty-seventh Company, United States Coast Artillery Corps, and pay him a pension at the rate of \$8 per month.

The name of Max Blank, late of Company B, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Patrick Flynn, late of the United States Navy, war with Spain, and pay him a pension at the rate of \$20 per month.

The name of Katie M. Gale, widow of John N. Gale, late of Company C, Third Regiment United States Infantry, and pay her a pension at the rate of \$12 per month.

The name of Christopher S. Alvord, late of Company D, Fourth Regiment United States Infantry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Forrest W. Luro, dependent and helpless son of Henry W. Luro, late of Company A, First Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Maud D. Davis, widow of Armory H. Davis, late of the United States Navy, and pay her a pension at the rate of \$20 per month.

The name of John B. Crowell, late of Company G, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of James Corcoran, alias John Lee, late of Battery F, Second Regiment United States Artillery, and pay him a pension at the rate of \$6 per month.

The name of Stephen Crotty, late of Battery I, Second Regiment United States Artillery, and pay him a pension at the rate of \$20 per month.

The name of Edwin Duner, late of the United States Navy, and pay him a pension at the rate of \$10 per month.

The name of William H. Comerford, late of the United States Navy, and pay him a pension at the rate of \$12 per month.

The name of John Donahue, late of the United States Navy, and pay him a pension at the rate of \$6 per month.

The name of Ellen H. Sharp, widow of Frederick D. Sharp, late of Company E, Twentieth Regiment United States Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Irvin O. Carson, late of Troop I, Fifth Regiment United States Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Marion Thacker, late of Troop K, Fourth Regiment United States Cavalry, and pay him a pension at the rate of \$10 per month in lieu of that he is now receiving.

The name of Mary E. Dalgarn, widow of Francis E. Dalgarn, late of Company B, Fourth Regiment United States Infantry, and pay her a pension at the rate of \$12 per month.

The name of Thomas Kinney, late of Company E, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Louis N. White, late of Troop F, Seventh Regiment United States Cavalry, and pay him a pension at the rate of \$6 per month.

The name of John F. Conrad, late of Company B, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Jennie Springsted, widow of George E. Springsted, late of General Service, United States Army, and pay her a pension at the rate of \$12 per month.

The name of Emilio Du Bois, late of the Ninety-first Observation Squadron, Air Service, United States Army, and pay him a pension at the rate of \$6 per month.

The name of Royce E. Marshall, late of Battery B, First Artillery Indiana National Guard, and pay him a pension at the rate of \$10 per month.

The name of Grace E. Avery, widow of Lieut. Commander Frank Brewster Avery, United States Navy, and pay her a pension at the rate of \$30 per month.

The name of Daniel F. Shaser, late of Captain Packwood's Washington Volunteers, Nez Perce outbreak, and pay him a pension at the rate of \$30 per month.

The name of Mary Larson, widow of John Larson, late of the United States Navy, and pay her a pension at the rate of \$12 per month.

The name of Arthur S. Pattison, late of the United States Navy, and pay him a pension at the rate of \$20 per month.

The name of Sarah M. Brown, mother of Evert L. Brown, late of the Coast Artillery, school detachment, United States Army, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Abe Erlich, late of Company I, Third Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Teresita Weitz, widow of Charles C. Weitz, alias Conroy C. Sexton, late of the United States Marine Corps, and Company E, Nineteenth United States Infantry, and pay her a pension at the rate of \$12 per month, and \$6 for each minor child until they attain the age of 16 years.

The name of Catarino Armijo, late of Company A, First Regiment New Mexico National Guard Infantry, and pay him a pension at the rate of \$12 per month.

The name of John Mosley, late first lieutenant Company A, Barbour County (Kans.) State Militia, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving, to commence February 17, 1927.

The name of Mary Isabel Lockard, dependent mother of Addison E. Stalnbrook, late of Company E, Forty-fourth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of William A. Lipscomb, late of Company C, Fortieth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Aaron Schollars, teamster, Quartermaster Department, and pay him a pension at the rate of \$20 per month.

The name of William S. Randall, late of Capt. D. B. Randall's Company B, Second Regiment Idaho Volunteers, and pay him a pension at the rate of \$20 per month.

The name of William L. Curry, late scout in the United States Army, Nez Perce Indian war, and pay him a pension at the rate of \$30 per month.

The name of George W. Peck, late of Company F, Capt. H. J. Maxon's company, Third Regiment Idaho Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The name of Andrew J. Stewart, late of the Quartermaster Department as civilian employee against Indians, and pay him a pension at the rate of \$30 per month.

The name of Evelyn Fjeldsted, helpless daughter of James P. Fjeldsted, alias Jans Fieldsted, late of Capt. C. Madsen's company, Utah Militia Infantry, Black Hawk war, and pay her a pension at the rate of \$20 per month.

The name of Frank H. Winter, late of Company B, First Battalion Nevada Infantry, and pay him a pension at the rate of \$20 per month.

The name of Joseph J. Ivie, late of Capt. Henry McArthur's company, Utah Volunteers, and pay him a pension at the rate of \$20 per month.

The name of William J. Williams, late of Companies K and G, Third Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Alice Baker, widow of Norvel H. Baker, late first lieutenant Troop E, Second Regiment United States Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Ross A. Hetrick, late of Battery C, Fifty-fifth United States Coast Artillery, and pay him a pension at the rate of \$17 per month.

The name of Seth Seaton Ward, cadet of West Point Military Academy, and pay him a pension at the rate of \$30 per month.

The name of Margaret Fondersmith, widow of James Fondersmith, late of Companies H and C, Eighteenth Regiment United States Infantry, and pay her a pension at the rate of \$12 per month.

The name of Fred Erton, late of Company B, Twenty-ninth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month.

The name of Nannie M. Hixson, dependent mother of Virgil C. Hixson, late of Company C, Twentieth Regiment United States Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Joseph Baker, who served as Indian scout, United States Army, and pay him a pension at the rate of \$50 per month.

The name of William Lentz, late of Company E, One hundred and fifty-eighth Regiment Indiana Infantry, and Company M, Nineteenth United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Elma W. Brett, widow of Brig. Gen. Lloyd M. Brett, late of the United States Army, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jirah I. Allen, late a scout in the United States Army, Indian war, and pay him a pension at the rate of \$20 per month.

The name of Ella M. Beckett, contract nurse, Medical Department, United States Army, during the Spanish-American War, and pay her a pension at the rate of \$30 per month.

The name of Joseph J. Johnson, late of Company B, Thirty-third Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Effie I. Disney, widow of William Disney, late of the United States Navy, and pay her a pension at the rate of \$30 per month.

The name of Anna M. Sherman, former widow of Ira C. Mansfield, alias James Greer, late of Troop G, Sixth United States Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Albert A. Hill, United States Navy, and pay him a pension at the rate of \$12 per month.

The name of George M. Parker, late of Tenth Company, United States Signal Corps, and pay him a pension at the rate of \$20 per month.

The name of Alice B. Gordon, widow of Thomas E. Gordon, alias Edwin T. Gordon, late of the United States Navy, and pay her a pension at the rate of \$12 per month.

The name of Glenn Wisely, late of Company G, Third Regiment United States Infantry, and pay him a pension at the rate of \$10 per month.

The name of Ida B. Davis, dependent mother of Jesse W. Davis, late of Troop A, Twelfth Regiment United States Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John L. Baxter, late a scout with the United States Army, Bannock Indian war, and pay him a pension at the rate of \$20 per month, to commence March 4, 1927.

The name of Harrison H. Bradford, late of Company H, First Regiment Louisiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Frank H. Wilson, alias Henry Wencel, late of the United States Navy, and pay him a pension at the rate of \$17 per month.

The name of Richard L. Gaffney, late of Company K, First Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Fred W. Fox, late of Company H, Fourth Regiment United States Infantry, and pay him a pension at the rate of \$20 per month.

The name of Reuben J. Reals, late of Company F, First Battalion Wyoming Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of George Cuts-Half, late of Troop L, Third Regiment United States Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Margaret P. Long, dependent mother of Willie Long, late of Troop A, Sixth Regiment United States Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Adam H. Kramer, late of the United States Navy, and pay him a pension at the rate of \$20 per month.

The name of George Frye, alias Walter Davison, late of the United States Marine Corps, and pay him a pension at the rate of \$12 per month.

The name of Charles H. Sills, late of the Hospital Corps, United States Army, and pay him a pension at the rate of \$24 per month.

The name of Thomas Miller, alias James W. Huston, late of the United States Navy, and pay him a pension at the rate of \$12 per month.

The name of Nora Ownby, widow of Robert Ownby, late of Capt. J. F. Blank's Company F, First Regiment New Mexico Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Gustave C. Barth, late of the United States Navy, war with Spain, and pay him a pension at the rate of \$20 per month.

The name of Bessie B. H. Cotten, widow of Lyman A. Cotten, late captain United States Navy, for the restoration of the minor, John H. Cotten, named to the roll, from February 17, 1927, and pay her an additional pension at the rate of \$4 per month.

The name of Sherman Detwiler, late of Troop G, First United States Volunteer Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Chesley K. Sims, late of Capt. W. H. Biggerstaff's company, Payette Guards, Idaho Volunteers, and pay him a pension at the rate of \$20 per month.

The name of Charles A. McComb, late of Company G, Twentieth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Nelson E. Bucknam, alias Nelson Buckman, late of the United States Navy, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Horace V. Andrews, late of Company C, Tenth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William C. Milliner, late of Company H, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Marion M. Gray, widow of Hawthorne C. Gray, late a captain attached to the Air Corps, United States Army, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving: *Provided*, That in the event of the death or remarriage of said Marion M. Gray, the names of William Hawthorne Gray, Richard M. Gray, and Gordon J. Gray, minor children of said Hawthorne C. Gray and Marion M. Gray, shall be placed on the pension roll at the same rates as provided including the widow's rate from and after the date

of the death or remarriage of said Marion M. Gray, and until they severally shall arrive at the age of 16 years.

The name of Emma L. Meyer, widow of Henry O. Meyer, late of Company K, First Regiment Washington Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Samuel Dorman, for service rendered in Indian wars in Meeker County, Minn., and pay him a pension at the rate of \$20 per month.

The name of Adeline E. Myrick, widow of Frank C. Myrick, late scout under General Sibley during the Indian outbreak in the year 1862, and pay her a pension at the rate of \$30 per month.

The name of Anne C. H. Howze, widow of Robert L. Howze, late major general, United States Army, and pay her a pension at the rate of \$75 per month in lieu of that she is now receiving.

The name of Sanford S. Martin, late of the United States Navy, and pay him a pension at the rate of \$12 per month.

The name of William S. Contell, late of Hospital Corps, United States Army, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Frank Schwartz, late of Company H, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$20 per month.

The name of Catherine Shea, dependent mother of Jeremiah Shea, late of Company D, Fifteenth Regiment United States Infantry, and pay her a pension at the rate of \$20 per month.

The name of Andrew Brown, late of Company H, Seventh Regiment United States Infantry, and Company G, Fourth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of George Kinley, dependent minor child of Roy Kindley, now known as Kinley, late of Company I, Fifth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month until he attains the age of 16 years.

The name of Mary W. Osterhaus, widow of Rear Admiral Hugo Osterhaus, late of the United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Charles L. Heintze, late of Company G, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Edward R. Baker, late of Company B, First Battery, United States Engineers, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of John Shuler, late of One hundred and first Company, United States Coast Artillery, and pay him a pension at the rate of \$12 per month.

The name of Atison L. Southard, late of Company L, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of \$20 per month.

The name of Ursula S. G. Cleaver, widow of Samuel R. Cleaver, late of Company G, Thirty-fourth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Mary R. Dickman, widow of Joseph T. Dickman, late major general, United States Army, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah E. Kiplinger, widow of John Kiplinger, late of Company D, Sixth Regiment United States Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Jacob J. King, late of Company H, Second Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Alfred Barker, late of Company K, Eighteenth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$17 per month.

The name of David Fisher, late of Company A, Second Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Wilbur B. Swafford, late of Company E, Fifty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The name of Mary E. Bennett, widow of Frank M. Bennett, late a captain, United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Christina K. Earle, widow of Harvey R. Earle, alias Harvey C. Whitney, late of Company K, Twenty-first Regiment United States Infantry, and pay her a pension at the rate of \$12 per month.

The name of Humphrey J. Roberts, late of Company F, Twentieth Regiment Minnesota Home Guard Militia, and pay him a pension at the rate of \$20 per month.

The name of Joseph Gilley, late of Company F, Twentieth Regiment Minnesota Home Guard Militia, and pay him a pension at the rate of \$20 per month.

The name of James D. Price, late of Company F, Twentieth Regiment Minnesota Home Guard Militia, and pay him a pension at the rate of \$20 per month.

The name of Bascom Prater, late of Company E, Second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$8 per month.

The name of George W. King, late of Troop D, Fifteenth Regiment United States Cavalry, and One hundred and third Company, Coast Artillery Corps, and pay him a pension at the rate of \$10 per month.

The name of Jane Barry, dependent mother of Joseph E. Barry, late of Troop D, First Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Elizabeth Swormstedt, widow of Calvin C. Swormstedt, alias James E. Stanley, late of One hundred and twenty-fourth Company, United States Coast Artillery, and pay her a pension at the rate of \$12 per month, and \$2 per month for each minor child until they attain the age of 16 years.

The name of William J. Carter, late of Company D, First Regiment South Carolina Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of James T. Carl, late of Capt. Cyrus M. Ricker's Company A, Barbour County (Kans.) State Militia, and pay him a pension at the rate of \$20 per month.

The name of Neal Whaley, late of Company E, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of \$6 per month.

The name of Pearl McKinley, widow of Russell A. McKinley, late of Troop C, Second Regiment United States Cavalry, and pay her a pension at the rate of \$30 per month and \$6 per month each for two minor children until they attain the age of 16 years.

The name of Edward L. Schmiedemann, late of Company B, First Regiment Nebraska National Guard Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Gustav Wulff, late of Company D, Twelfth Regiment United States Infantry, and pay him a pension at the rate of \$17 per month.

The name of Milous Day, late of Company D, First Regiment of Capital Guards, Kentucky Infantry, and pay him a pension at the rate of \$50 per month.

The name of Samuel H. Anderson, late an employee of the Quartermaster Department in the Yellowstone expedition, and pay him a pension at the rate of \$20 per month.

The name of Antoine Claymore, late a scout in the Government military service under the command of David S. Stanley, in 1872, and pay him a pension at the rate of \$20 per month.

The name of George R. Odle, late of Capt. D. B. Randall's company, Idaho Volunteers, Nez Perce Indian War, and pay him a pension at the rate of \$20 per month.

The name of Herman Martin, late of Nineteenth Company, Coast Artillery Corps; One hundred and seventieth Company, Coast Artillery Corps; and Company D, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Catherine Foly, mother of Michael J. Hoy, late of the United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Daisy Jinks, widow of Richard Jinks, late of Company I, Sixth United States Infantry, and Company D, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of \$20 per month.

The name of Mary Two-Eagle, widow of Two-Eagle, late of Company D, Indian Scouts, United States Army, and pay her a pension at the rate of \$30 per month.

The name of Green L. Collins, late of Company A, First Regiment Georgia Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The name of Patrick Staton, late of Company D, Third Regiment United States Infantry, and pay him a pension at the rate of \$17 per month.

The name of John J. Hughes, late of Company M, Eleventh Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of William Franklin DeSpain, late of Capt. Emmet Wilson's company, Oregon Volunteers, Bannock war, 1878, and pay him a pension at the rate of \$20 per month.

The name of James W. Allen, late of Capt. F. C. Sells's company, Oregon Volunteers, in 1878, and pay him a pension at the rate of \$20 per month.

The name of Julia Fuller, remarried widow of Mathias Connors, late of Troop M, Fifth Regiment United States Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Luna E. W. Allen, widow of Heber H. Allen, late of Company H, One hundred and sixty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of James L. Huston, late of Troop I, Seventh Regiment United States Cavalry, and pay him a pension at the rate of \$12 per month.

The name of Francis H. Kearney, late of Capt. Emmert Wilson's company, Second Regiment Oregon Volunteers, Bannock war, 1878, and pay him a pension at the rate of \$20 per month.

The name of Charles A. Packwood, late of Captain Painter's company, Washington Volunteers, Bannock war, 1878, and pay him a pension at the rate of \$20 per month.

The name of Hubert L. Bassett, late of Capt. Narcissus A. Connoyer's company, Oregon Volunteers, Bannock war, 1878, and pay him a pension at the rate of \$20 per month.

The name of Sarah R. Bates, widow of Joseph W. Bates, late of Capt. F. C. Sells's company, Oregon Volunteer Infantry, Bannock war, 1878, and pay her a pension at the rate of \$20 per month.

The name of Charles E. Finch, late of Capt. Emmet Wilson's company, Oregon Volunteers, Bannock war, 1878, and pay him a pension at the rate of \$20 per month.

The name of Sarah Kimball, dependent mother of John W. Froman, late of Company D, Second Regiment United States Infantry, and pay her a pension at the rate of \$20 per month.

The name of Marie B. Granger, widow of Ralph S. Granger, late colonel United States Army, retired, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Patrick M. Shea, late of the United States Marine Corps, war with Spain, and pay him a pension at the rate of \$20 per month.

The name of Wallace Barkman, dependent father of Ralph Barkman, ordinary seaman, United States Navy, killed by explosion on United States ship *Charleston*, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Lowell T. Newlon, late of Battery A, First Regiment Illinois Light Artillery, and pay him a pension at the rate of \$20 per month.

The name of Herbert A. Maloney, late of Company B, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Lowell A. Chamberlin, late of Troop B, First Regiment United States Volunteer Cavalry, war with Spain, and pay him a pension at the rate of \$30 per month.

The name of Rosanna Sanders, dependent mother of Henry Sanders, late of Company K, Eighteenth Regiment United States Infantry, and pay her a pension at the rate of \$20 per month.

Mr. WALSH of Massachusetts. Mr. President, will the Senator state how many pensioners are affected by the bill?

Mr. NORBECK. It carries about 300 men. These are not Civil War pensions.

Mr. WALSH of Massachusetts. Is it one of the omnibus bills, so called?

Mr. NORBECK. Yes; one of the small ones. It covers the Regular Establishment and Spanish War. The Civil War pensions are not covered in this bill.

Mr. WALSH of Massachusetts. I hope it will pass.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF SEAMEN'S ACT

The bill (S. 2945) relating to the payment of advanced wages and allotments in respect of seamen on foreign vessels and making further provision for carrying out the purposes of the seamen's act, approved March 4, 1915, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the first paragraph of paragraph (e) of section 10 of the act entitled "An act to remove certain burdens on the American merchant marine and encourage the American foreign-carrying trade, and for other purposes," approved June 26, 1884, as amended, is further amended, to read as follows:

"(e) This section shall apply to payments of advance wages and allotments, in respect of seamen on foreign vessels, whether made within or without the United States or territory subject to the jurisdiction thereof, as well as to payments of advance wages and allotments in respect of seamen upon vessels of the United States; except that no criminal penalty under this section shall be imposed for a violation of this section in respect of a seaman upon a foreign vessel if such violation occurs outside the United States and territory subject to the jurisdiction thereof. The courts of the United States shall be open to seamen for suits for payment of wages, irrespective of whether the wages were earned upon a vessel of the United States or a foreign vessel, or within or without the United States or territory subject to the jurisdiction thereof, and in any such suit the provisions of this section shall be applicable. Any master, owner, consignee, or agent of any foreign vessel who violates the provisions of this section within the United States or territory subject to the jurisdiction thereof shall be liable to the same penalty to which the master, owner, or agent of a vessel of the United States would be liable for a similar violation."

Mr. KING. Mr. President, may I have an explanation of the bill? I make the request because I have received a letter from a seaman who thought it was not quite broad enough. I am not familiar with the matter.

Mr. LA FOLLETTE. Mr. President, the bill has been very carefully considered by the committee, may I say to the Senator from Utah. It is merely designed to make effective the equalization features of the so-called La Follette Seamen's Act, which have been frustrated by the decisions of the Supreme Court, which have not made the payment of advanced wages made by foreign vessels outside of territorial waters of the United States illegal in the deduction of the advanced wages of seamen. Therefore, when seamen enter the ports of the United States they do not have sufficient money coming to them to enable them to take advantage of the right to quit the vessel at a safe harbor.

The La Follette Act attempted to make that possible in order to equalize the wages between American shipping and foreign shipping. After the decision of the Supreme Court another attempt was made in the Jones Act to meet the decision, but apparently it did not satisfy the Supreme Court of the United States in being sufficiently specific. Therefore, after careful consideration, the committee reported this bill in a further attempt to make this specific equalization in the La Follette Act workable and thereby tend to equalize the wages as between foreign shipping and shipping flying the flag of the United States.

Mr. KING. May I inquire of the Senator whether Mr. Furuseth has approved of the bill?

Mr. LA FOLLETTE. So far as I know, Mr. Furuseth is in favor of the passage of this bill; in fact, I know that he is.

Mr. KING. Then, so am I.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC HEALTH SERVICE

The bill (H. R. 11026) to provide for the coordination of the public-health activities of the Government, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

Mr. JONES. Mr. President, I hope the junior Senator from Utah will not ask to have that bill go over. It has been very carefully considered by the House of Representatives, by the House committee, and has also been very carefully considered by the Committee on Commerce of the Senate; also by physicians and by the Senator's colleague the senior Senator from Utah [Mr. Smoot]. The amendments that have been made by the Senate committee are entirely satisfactory to the Senator's colleague. His colleague has told me that he would like to have the bill passed. I therefore hope the junior Senator from Utah will withdraw his objection to the consideration of the bill. I think its passage would be in the interest of economy, efficiency, and for the benefit of the service.

Mr. KING. Mr. President, I should like to make an inquiry of the Senator from Washington. Recalling the several bills that were brought to our attention a number of years ago dealing with the Public Health Service, and which sought, of course, to add to the personnel and to increase the salaries, does this bill propose to enlarge the personnel and to make any increase in compensation?

Mr. JONES. There are some increases, but, on the whole, my understanding of the bill is that there is no substantial, if any, increase in compensation and practically there is no increase in the number of employees.

I wish to say that those are some of the questions that the Senator's colleague looked into very carefully, and his colleague told me that with the amendments which are now proposed to the bill he was entirely satisfied with the bill and would like to see it passed.

Mr. FLETCHER. Mr. President, may I say that the bill will promote cooperation in the service, which will make for efficiency.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, page 2, line 7, after the words "Hygienic Laboratory," to insert "in the District of Columbia"; and in line 9, after the word "facilities," to insert the word "therein," so as to read:

(b) The Secretary of the Treasury is authorized to establish such additional divisions in the Hygienic Laboratory in the District of Columbia as he deems necessary to provide agencies for the solution of public-health problems, and facilities therein for the coordination of research by public health and pharmaceutical officials and scientists and for demonstrations of sanitary methods and appliances.

The amendment was agreed to.

The next was in section 4, page 3, line 20, after the word "date," to insert "but no service shall be counted since that date except active commissioned service: *Provided*, That under

the provisions of section 4 (a) (2), not more than 110 appointments shall be made, not more than 6 appointments shall be in grades above that of surgeon, and no appointment shall be in a grade above that of medical director," so as to read:

(2) Any sanitary engineer, medical, dental, or other scientific officer, or pharmacist engaged on comparable duties, in the Public Health Service upon the date of passage of this act, except commissioned officers of the regular corps, after examination by a board of officers convened by the Surgeon General of the Public Health Service, and upon the recommendation of such board and the Surgeon General, may be appointed to any grade specified by such board and approved by the Surgeon General, having due regard to the salary received by such officer at the time of such appointment; and in computing longevity pay and pay period the service of any officer appointed under the provisions of this paragraph who was in the Public Health Service on June 30, 1922, shall be counted in the same manner as provided for regular commissioned officers in the Public Health Service on that date, but no service shall be counted since that date except active commissioned service: *Provided*, That under the provisions of section 4 (a) (2), not more than 110 appointments shall be made, not more than 6 appointments shall be in grades above that of surgeon, and no appointment shall be in a grade above that of medical director.

The amendment was agreed to.

The next amendment was, on page 4, line 13, after the words "Surgeon General," to insert the following proviso:

Provided, That not more than three such appointments shall be made under the provisions of section 4 (a) (3) in any one fiscal year.

The amendment was agreed to.

The next amendment was, on page 4, after line 15, to insert:

(4) Any person commissioned in the regular corps of the Public Health Service under the provisions of this act of an age greater than 45 years, if placed on waiting orders for disability incurred in line of duty, shall receive pay at the rate of 4 per cent of active pay for each complete year of service in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, the total to be not more than 75 per cent.

The amendment was agreed to.

The next amendment was, on page 4, line 25, after the word "shall," to strike out the words "designate the grades of" and to insert the words "prescribe appropriate titles for," so as to read:

(b) The Surgeon General of the Public Health Service shall prescribe appropriate titles for commissioned officers of the Public Health Service other than medical officers, corresponding to the grades of medical officers.

The amendment was agreed to.

The next amendment was, on page 5, line 4, after the word "officers," to insert "of the regular corps"; in line 5, after the word "Service," to strike out the words "shall be promoted"; in line 6, after the word "examination," to insert the words "under regulations approved by the President, shall be promoted" and to strike out the words "as now provided by law for commissioned medical officers of the Public Health Service"; and in line 10, after the word "except," to strike out the words "that for" and to insert the word "that," so as to read:

(c) Hereafter commissioned officers of the regular corps of the Public Health Service, after examination under regulations approved by the President, shall be promoted according to the same length of service as officers of corresponding grades of the Medical Corps of the Army; except that—

The amendment was agreed to.

The next amendment was, on page 5, at the beginning of line 11, to insert "(1) For," so as to make the clause read:

(1) For purposes of future promotion any person whose original appointment in the regular corps is in a grade above that of assistant surgeon shall be considered as having had on the date of appointment service equal to that of the junior officer of the grade to which appointed.

The amendment was agreed to.

The next amendment was, on page 5, after line 15, to insert:

(2) Pharmacists shall not be promoted above the grade of passed assistant surgeon.

The amendment was agreed to.

The next amendment was, on page 5, at the beginning of line 18, to insert "(d)"; in line 21, after the word "and," to strike out "if selected from the commissioned officers of the regular corps," so as to read:

(d) The Surgeon General of the Public Health Service shall hereafter be entitled to the same pay and allowances as the Surgeon General of the Army; and he shall, upon the expiration of his commission,

if not reappointed as Surgeon General, revert to the grade and number in the regular corps that he would have occupied had he not served as Surgeon General.

The amendment was agreed to.

The next amendment was, on page 5, line 25, after the words "Surgeon General," to insert the following proviso:

Provided, That the term of service of the Surgeon General of the Public Health Service shall be for four years unless sooner relieved and returned to the grade and number in the regular corps that he occupied previous to his appointment as Surgeon General: *And provided further*, That no person who has served for a period of eight years either before or after the passage of this act shall be eligible for reappointment as Surgeon General.

The amendment was agreed to.

The next amendment was on page 6, at the beginning of line 9, to strike out (d) and insert (e).

The amendment was agreed to.

The next amendment was on page 6, line 12, at the beginning of the line, to strike out (e) and insert (f).

The amendment was agreed to.

The next amendment was on page 6, after line 14, to insert:

(g) The term "scientific officers" as used in this act shall not be held to include clerical or administrative personnel.

The amendment was agreed to.

The next amendment was in section 6, page 6, at the end of line 25, to strike out the article "a" and insert "one"; on page 7, line 1, after the word "superintendent," to insert the words "one assistant superintendent, and such chief nurses"; and in line 2, after the word "and," to strike out the words "such other," so as to make the section read:

SEC. 6. There is hereby established in the Public Health Service, a nurse corps, which shall consist of one superintendent, one assistant superintendent, and such chief nurses and nurses as the Secretary of the Treasury may deem necessary. The members of the nurse corps shall be entitled to receive the same pay and allowances as members of the Nurse Corps of the Army.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INTER-AMERICAN HIGHWAY ON WESTERN HEMISPHERE

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 259) authorizing assistance in the construction of an inter-American highway on the Western Hemisphere, which was read, as follows:

Whereas the Sixth International Conference of American States, at Habana, Cuba, resolved as follows:

"To recommend to the Pan American Congress of Highways, which will meet at Rio de Janeiro in July of the present year, the consideration and adoption of agreements that will be conducive to the construction of a longitudinal communication highway to traverse the continent, taking into consideration and deciding all questions relative to studies, route, branch connections, technical and economical cooperation of the different countries, and other matters included in the determination of this problem.

"The Pan American Union is intrusted with the compilation of information and the preparation of projects which will serve to give effect to this resolution, submitting this material in due time to the Pan American Congress of Highways."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of the United States should manifest the utmost interest in the purposes of the aforesaid resolution, and that in order to promote the speedy realization of these purposes and objects the President is requested to direct the several agencies of the Government, and they are hereby authorized, to lend such cooperation and assistance as may be feasible and appropriate with a view to having the matter thoroughly considered by the approaching conference; and he is further requested to advise Congress of any conclusions reached and any action which may be suggested by the conference.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

EXPANSION OF PUBLIC WORKS DURING UNEMPLOYMENT

The bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works

during periods of unemployment and industrial depression was announced as next in order.

Mr. KING. Let that bill go over.

Mr. JONES. Mr. President, I hope the Senator from Utah will look into that bill quite carefully. It is a very important bill and I think it is a rather desirable one.

Mr. KING. I shall be very glad to look into the bill.

Mr. JONES. I will say to the Senator from Utah that the understanding of the committee is that when the bill shall be considered we shall ask the Senate to disagree to the amendments which have been proposed.

Mr. WALSH of Massachusetts. Mr. President, is not this the bill in which many people are interested who are seeking some relief for the unemployment situation?

Mr. JONES. It is a bill to prevent unemployment conditions or to alleviate them if they shall threaten.

Mr. WALSH of Massachusetts. It is proposed to do so by the expansion of public works during periods of unemployment and industrial depression by carrying forward the Government building program?

Mr. JONES. Yes.

Mr. WALSH of Massachusetts. I have received a large number of letters favoring the bill, and from the examination I have been able to give the measure it seems to me to be sound legislation. I hope the Senator from Washington will press the measure. It is, in my opinion, a constructive measure, generally supported by students of the important problem of relieving the hardships and economic losses caused by unemployment.

Mr. JONES. I shall try to do so. As I have stated, I think it is a very important measure, and I hope that when we call the calendar next time we may be able to secure its passage.

Mr. COPELAND. Mr. President, I am sure, since the bill provides merely for carrying forward building projects which are already in view, that it will be possible to pass it. If we are facing a serious unemployment situation in this country, and if there are projects which we want to put into operation at some time soon, it would seem the part of good sense to do that work now. I hope the Senate will very shortly take action upon the bill.

Mr. WALSH of Massachusetts. I ask unanimous consent to have certain letters approving this measure which I have received printed in the Record. They also will help to confirm what I have heretofore asserted about the seriousness of the present unemployment situation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letters are as follows:

BOSTON TYPOGRAPHICAL UNION, No. 13,
Boston, Mass., March 9, 1928.

Hon. DAVID I. WALSH,

United States Senate, Washington, D. C.

DEAR SIR: Official and unofficial surveys of unemployment in this country tend to show existence of a deplorable condition among the workers. Modern civilization has failed to equalize the burdens men must bear but trade unions and other agencies have helped to alleviate some of these burdens. The greatest curse of modern industry is unemployment. During these acute times this organization is of the opinion that the Government of this great Republic should use every endeavor to mitigate the lot of the unemployed.

The Jones bill, S. 2475, is now before your honorable body. This bill would help to stabilize industry and give immediate help to the unemployed. Experience gained by its administration would help to solve the unemployment problem.

You are respectfully requested to give this bill your immediate and careful consideration, to the end that this needful legislation may be enacted as early as possible.

Respectfully yours,

JOHN O. BATTIS, *Secretary-Treasurer*.

KENDALL MILL, INC.,
Boston, Mass., March 10, 1928.

Hon. DAVID I. WALSH,

United States Senate, Washington, D. C.

DEAR SIR: Unemployment is becoming sufficiently widespread at the present time to cause a good deal of hardship and suffering. In my opinion a helpful measure toward stabilizing industry and employment is provided in the Jones bill, S. 2475, authorizing the appropriation of an additional \$150,000,000 as a "prosperity reserve" to increase public construction at times when private industry is slack. My purpose in writing to you at this time is to put before you my approval of this bill and to urge your support of it.

Very truly yours,

HENRY P. KENDALL.

THE MEMORIAL HOSPITAL,
Worcester, Mass., March 8, 1928.

DAVID I. WALSH,
Senator from Massachusetts,
Washington, D. C.

MY DEAR SENATOR: As administrator of a hospital of over 200 beds serving chiefly the poor and middle classes I am finding much unemployment at present.

Anything you can do to speed the adoption of Senate bill 2475 for "prosperity reserve" would be much appreciated by me and others who are obliged to extend credit to these persons now out of work. To me this is a most important measure.

Thanking you for anything you may do, I am,
Very truly yours,

LUCIA L. JAQUITH.

BAV STATE MILLING CO.,
Boston, Mass., March 5, 1928.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: The problem of unemployment is becoming so acute, the possibility of its becoming still more serious, and the prospect of early noteworthy improvement so improbable that Federal legislation such as proposed by the Jones bill, S. 2475, is deserving of early passage and enactment.

The country appears to be confronted by a problem that will be difficult to solve for a long period, as it would seem to rest mainly upon the operation of high-speed, mass production, which has been the guiding principle of American industry in nearly all lines since the World War.

This has resulted in a very great dislocation of labor, because the production per man employed has increased far beyond domestic consumptive capacity, or our ability to sell abroad.

As you know, here in New England the situation is further complicated by the changes in feminine fashion, the enormously reduced use of textiles for women's apparel, the reduced wear and tear of shoes owing to the greatly increased use of the automobile, and now the fad of young men going hatless is rapidly increasing.

The result is the highest percentage of unemployment known for many years.

But for the restriction of immigration during the past several years the situation to-day would be perilous. As it is, it will take a long time to make such readjustment of employment as will bring about a normal opportunity for the wage earner.

For this reason, I trust that the above bill will meet with your hearty support.

Yours very truly,

BERNARD J. ROTHWELL.

BROOKLINE, MASS., March 8, 1928.

Senator DAVID I. WALSH,
Senate Office Building, Washington, D. C.

MY DEAR SIR: As you well know, there is a terrible amount of unemployment now prevalent in the country. I understand that a bill authorizing an appropriation of an additional \$150,000,000 as a "prosperity reserve" to increase public construction at times such as these is about to be reported in Congress. May I urge your support of the same?

Very truly yours,

ELIZABETH G. EVANS.

BOSTON, MASS., March 5, 1928.

Senator DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: Mr. Filene has asked me to write you that he believes the long-range planning of public works is very desirable and that he would urge the early adoption of the Jones bill (S. 2475) for a "prosperity reserve" to help stabilize industry and employment.

Sincerely yours,

JOHNSON HEYWOOD.

BOSTON, MASS., March 13, 1928.

Senator DAVID I. WALSH,
Washington, D. C.

DEAR MR. WALSH: I strongly urge you to support the early adoption of the Jones bill, S. 2475, for a "prosperity reserve" to help stabilize industry and employment.

Yours sincerely,

ALICE P. TAPLEY.

NEWTON, MASS., March 5, 1928.

Senator DAVID WALSH.

DEAR SIR: I write to urge your favorable consideration of the Jones bill, S. 2475, providing for public construction during times of unemployment—in my view a crucially important measure.

Truly yours,

MARY W. CALKINS.

WINCHESTER, MASS., March 9, 1928.

Senator DAVID I. WALSH.

DEAR SIR: In this time of widespread unemployment I am writing to urge you to support the Jones bill, S. 2475, to help stabilize industry and employment.

Yours truly,

NATALIE JEWETT.

NEWBURYPORT, MASS., March 15, 1928.

Hon. DAVID I. WALSH,
United States Senate.

DEAR SENATOR WALSH: I was very glad indeed to read that your unemployment resolution had been passed, and I am now writing to say that the American Association of Labor Legislation is asking its members to urge their Senators to work for the adoption of Senate bill 2475—the Jones bill—which I understand provides for an appropriation of \$150,000,000 as a prosperity reserve to increase public construction when industry is slack. This seems a modest sum to spend in keeping families together, to keep them housed and fed, when we can so glibly talk of spending much more on warships to destroy lives! I have seen so much of the anguish caused by unemployment that this effort to prepare to meet it, at least in part, appeals to me as a statesmanlike move, and I sincerely hope the bill will have your support.

Yours sincerely,

ANNE WITHINGTON.

MOUNT HOLYOKE COLLEGE,
OFFICE OF THE PRESIDENT,
South Hadley, Mass., March 6, 1928.

Senator DAVID I. WALSH,
Washington, D. C.

MY DEAR SENATOR WALSH: The Jones bill, S. 2475, for a "proposed reserve" to help stabilize industry and employment I hope appeals to you as a wise measure of relief.

Believe me,

Very sincerely yours,

MARY E. WOOLLEY.

Mr. JONES. I hope when the calendar shall be next called we may be able to act on this bill.

REGISTRATION OF MAIL MATTER

The bill (H. R. 11279) authorizing the Postmaster General to establish a uniform system of registration of mail matter, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 3927 of the Revised Statutes of the United States (sec. 384, title 39, U. S. C.), as amended by section 209 of the act of February 28, 1925 (43 Stat. L. 1058), be, and the same is hereby, amended further to read as follows:

"Mail matter shall be registered on the application of the party posting the same, and the fees chargeable therefor, in addition to the regular postage, shall be, in all cases, prepaid as follows:

- "For registry indemnity not exceeding \$50, 15 cents.
- "For registry indemnity exceeding \$50 and not exceeding \$100, 20 cents.
- "For registry indemnity exceeding \$100 and not exceeding \$200, 30 cents.
- "For registry indemnity exceeding \$200 and not exceeding \$300, 40 cents.
- "For registry indemnity exceeding \$300 and not exceeding \$400, 50 cents.
- "For registry indemnity exceeding \$400 and not exceeding \$500, 60 cents.
- "For registry indemnity exceeding \$500 and not exceeding \$600, 70 cents.
- "For registry indemnity exceeding \$600 and not exceeding \$700, 80 cents.
- "For registry indemnity exceeding \$700 and not exceeding \$800, 90 cents.
- "For registry indemnity exceeding \$800 and not exceeding \$1,000, \$1.
- "All such fees shall be accounted for in such manner as the Postmaster General shall direct."

Sec. 2. That the provision of section 3 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1885, and for other purposes," approved July 5, 1884 (23 Stat. L. 158, sec. 321, title 39, U. S.

C.), with respect to the registration and official matter of the executive departments, is hereby amended by adding the following paragraph, as follows:

"*Provided further*, That any official domestic letter or parcel to be registered by any executive department or bureau thereof, or independent Government institution, located at Washington, D. C., or by the Public Printer, which requires registration may be registered without the payment of any registry fee."

Sec. 3. The act of February 27, 1897 (ch. 340, 29 Stat. L. 599), providing limited indemnity for loss of registered mail matter, and the act of March 3, 1903 (32 Stat. L. 1174, sec. 381, title 39, U. S. C.), fixing such indemnity at not exceeding \$100, and that portion of the act of March 4, 1911 (36 Stat. L. 1337, sec. 383, title 39, U. S. C.), making appropriations for the service of the Post Office Department and for other purposes, and providing indemnity for the loss of third and fourth class domestic registered matter, are amended to read as follows:

"For the greater security of valuable mail matter the Postmaster General may establish a uniform system of registration, and as a part of such system he may provide rules under which the senders or owners of any registered matter shall be indemnified for loss, rifling, or damage thereof in the mails, the indemnity to be paid out of the postal revenues, but in no case to exceed \$1,000 for any one registered piece, or the actual value thereof when that is less than \$1,000, and for which no other compensation or reimbursement to the loser has been made, the amount of such indemnity to be fixed by the Postmaster General."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATIE CASSIDAY

The bill (H. R. 4126) authorizing the Secretary of the Interior to issue a patent to Katie Cassiday for a certain tract of land was considered as in Committee of the Whole. It directs the Secretary of the Interior to issue a patent to Katie Cassiday for Great Falls desert-land entry 054131, embracing lots 3 and 6, and the southeast quarter northwest quarter section 7, township 26 north, range 43 east, principal meridian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CROP PREDICTIONS

The bill (S. 3845) to prohibit predictions with respect to cotton or grain prices in any report, bulletin, or other publication issued by any department or other establishment in the executive branch of the Government, was announced as next in order.

Mr. METCALF. I ask that that bill go over.

Mr. HEFLIN. I ask that the amendments reported by the committee may be stated.

The PRESIDING OFFICER. The Chair understood the Senator from Rhode Island to ask that the bill go over.

Mr. HEFLIN. Mr. President, I hope that that request will be withdrawn. The bill has been reported by the committee with amendments, and I do not think there will be any objection to it.

Mr. METCALF. I have not had an opportunity to study the bill as I should like to do, and I prefer that it should go over at this time.

Mr. SMITH. Mr. President, I should like to state in this connection that this bill is very simple. It merely prohibits a practice by the Department of Agriculture which has proven very disastrous. All the bill does is to prohibit price forecasting in reference to certain standard agricultural commodities, and it is my opinion that it is a bill that should be passed at the very earliest moment for the protection of those who produce our crops.

Mr. HEFLIN. Mr. President, I should like to say further to the Senator from Rhode Island that we provided in the agricultural appropriation bill that crop price predictions should not be made any longer, and during the debate it was suggested to me by other Senators that legislation ought to be enacted providing a penalty for violating that provision. So this bill is in keeping with the suggestion that was made during the course of the debate when the agricultural appropriation bill was under consideration. I prepared this bill in order to provide a penalty for doing that which the law as now written in the agricultural appropriation bill prohibits, and I hope the Senator will withdraw his objection.

Mr. METCALF. I will have to object to the bill at the present time, but later, after I have had an opportunity to study it further, I may have no objection to it.

The PRESIDING OFFICER. The bill will be passed over.

Mr. DILL. Mr. President, before the bill goes over I note that the amendment proposes to strike out all reference to grain. I think that this bill ought to apply to grain. I do not believe

predictions as to prices ought to be made regarding grain any more than with regard to cotton.

Mr. HEFLIN. Mr. President, I will say to the Senator from Washington that I agreed to strike out grain because some of the Senators from the grain-growing States felt that they should like to have grain out for the present, at least, until they could investigate the situation and see just what sort of predictions are being made regarding grain. For that reason, I was willing that the provision in regard to grain should come out of the bill at this time. After the Senators interested have studied the question they can offer a bill applying to grain exactly like this or in such form as they desire, and I will cheerfully support it.

Mr. DILL. I happen to represent a grain-growing State myself, and I, for one, do not see any reason why reference to the forecasting of grain prices should be left out of the bill.

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

Mr. SMITH. Mr. President, before the next bill shall be called, I wish to state that, in view of what has been disclosed by an investigation that has been conducted in reference to this question, I think the Senator from Rhode Island and every other Senator on this floor will readily agree that not only should we pass legislation of this kind but that we should attach to it a penalty that will deter any officer or employee in any of the Government departments from attempting to forecast the prices of agricultural commodities. I think when the Senator reads the evidence which has been gathered and realizes what that evidence means, he will withdraw any possible objection and have no desire to study the bill further.

The PRESIDING OFFICER. Under objection of the Senator from Rhode Island, the bill will be passed over.

ERADICATION OF EUROPEAN CORN BORER

The bill (H. R. 12632) to provide for the eradication or control of the European corn borer was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That to enable the Secretary of Agriculture to apply such methods of eradication or control of the European corn borer over such area or areas as in his judgment may be necessary, including the employment of persons and means in the District of Columbia and elsewhere and all other necessary expenses, the sum of \$7,000,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended in cooperation with such authorities of the States concerned, organizations, or individuals as the Secretary may deem necessary to accomplish such purposes: *Provided*, That no part of the appropriation herein authorized shall be expended for the purchase of new machinery unless the Secretary of Agriculture deems such expenditure necessary by reason of an emergency, and in such case an amount not to exceed 1 per cent may be so expended: *Provided further*, That an amount not to exceed 9 per cent of the appropriation herein authorized may be expended for the employment of persons and means in the District of Columbia and elsewhere and all other necessary expenses other than necessary expenses for farm clean-up incidental to such eradication or control: *Provided further*, That in the discretion of the Secretary of Agriculture no expenditure shall be made hereunder until the States wherein the European corn borer exists shall have provided necessary regulatory legislation and until a sum or sums adequate to State cooperation shall have been appropriated, subscribed, or contributed by States, county, or local authorities or individuals or organizations: *Provided further*, That expenditures from the appropriation herein authorized for any necessary farm clean-up incidental to such eradication or control shall include only such as are, in the judgment of the Secretary of Agriculture, additional to those normal and usual in farm operations, and shall not exceed 90 per cent: *Provided further*, That no part of the appropriation herein authorized shall be used to pay the cost or value of corn or other farm crops or other property injured or destroyed: *And provided further*, That the Secretary of Agriculture may receive, and shall cover into the Treasury as miscellaneous receipts, any and all moneys authorized by the law of any State to be paid to the United States out of amounts assessed against and collected from any owner of premises who refuses or neglects to carry out State-control requirements when such moneys represent expenditures made on such premises by the United States under the provisions of this act.

Mr. DILL. Mr. President, I thought we had been appropriating for the eradication of the corn borer.

Mr. KING. We appropriated \$10,000,000 for that purpose last year.

Mr. McNARY. Mr. President, the assumption is quite correct. Last year, in order to meet an emergency on account of the rapid spread of the destructive European corn borer, Congress passed an appropriation of \$10,000,000, all of which, save about \$1,000,000, has been expended in order to carry forward this very excellent and necessary work.

This bill was passed by the House carrying an appropriation of \$7,000,000; it is now here for consideration. The purpose is to control and stop the invasion of this worm into the South and West and other portions of the country which are now free of it.

Mr. DILL. I may say to the Senator that there has been no such trouble in my State, but I happen to know something about the activities of the representatives of the Department of Agriculture in other States where I visited during the past summer. I know that there was serious objection to the way this whole matter was handled. I am not going to object to this bill, but I think the Department of Agriculture should use more care than it did last year in going into regions where the corn borer has never appeared, where the farmers have never asked that representatives of the department be sent, and where they were looked upon as a nuisance; in fact, where they were driven out by shotguns in certain sections.

Mr. COPELAND. Mr. President, I think it is always true that quarantine measures are disagreeable; yet, after all, while I know nothing about the corn borer, I realize that sometimes it has even been necessary to employ shotguns to enforce a quarantine.

Mr. DILL. In the case to which I referred the shotguns were used to drive the agents away.

Mr. COPELAND. There are always objections to methods which must be employed to enforce quarantines, but that is the way we are going to preserve our crops and our flocks. In my section of the country we used to have large numbers of chestnut trees. On my farm I had 130 such trees, some of them 3 feet in diameter. They have now all gone, having been destroyed by disease brought in from Europe. If we are to save our plants and shrubs and trees and crops, we have got to do it by effective quarantine methods. So, while I know nothing about this measure, I can quite understand its importance.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENFORCEMENT OF PLANT QUARANTINE ACT

The bill (H. R. 484) to amend section 10 of the plant quarantine act approved August 20, 1912, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 10 of the plant quarantine act, approved August 20, 1912 (37 Stat. L. 315), as amended by the act of March 4, 1917 (39 Stat. L. 1165), be, and the same is hereby, amended by adding at the end thereof the following:

"That any employee of the Department of Agriculture, authorized by the Secretary of Agriculture to enforce the provisions of this act and furnished with and wearing a suitable badge for identification, who has probable cause to believe that any person coming into the United States, or any vehicle, receptacle, boat, ship, or vessel, coming from any country or countries or moving interstate, possesses, carries, or contains any nursery stock, plants, plant products, or other articles the entry or movement of which in interstate or foreign commerce is prohibited or restricted by the provisions of this act, or by any quarantine or order of the Secretary of Agriculture issued or promulgated pursuant thereto, shall have power to stop and, without warrant, to inspect, search, and examine such person, vehicle, receptacle, boat, ship, or vessel, and to seize, destroy, or otherwise dispose of such nursery stock, plants, plant products, or other articles found to be moving or to have been moved in interstate commerce or to have been brought into the United States in violation of this act or of such quarantine or order."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJESTIC HOTEL AND LIEUT. R. T. CRONAU

The bill (H. R. 4068) for the relief of the Majestic Hotel, Lake Charles, La., and of Lieut. R. T. Cronau, United States Army, was considered as in Committee of the Whole. It directs the Comptroller General of the United States to allow from the appropriation for general expenses of the Bureau of Agricultural Economics, Department of Agriculture, for the fiscal year 1925, \$226.55, due the Majestic Hotel, Lake Charles, La., for lodging and subsistence of Lieut. R. T. Cronau and Staff Sergt. W. O. Womack, United States Army, during their assignment in September and October, 1924, to make aerial photographs of areas of rice fields in connection with crop estimates by the Bureau of Agricultural Economics of the Department of Agriculture; and to allow to Lieut. R. T. Cronau reimbursement of amounts expended by him for subsistence and travel of himself and Staff Sergt. W. O. Womack in proceeding by air in connection with such assignment to and from Kelly Field, Tex., to Lake Charles, La.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over. The bill (H. R. 6685) to regulate the employment of minors within the District of Columbia was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over. Mr. COPELAND. Mr. President, I hope the Senator who made the objection will permit the bill to be considered on its merits.

Mr. KING. I have no objection to its being considered when we have time to offer amendments. I ask that it go over now.

The PRESIDING OFFICER. The bill will be passed over.

ROLETTE COUNTY, N. DAK.

The bill (S. 2042) for the relief of Rolette County, N. Dak., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the county of Rolette, State of North Dakota, \$16,102.29, as reimbursement for expenses incurred by such county in caring for indigent Indians from July 1, 1926, to October 7, 1927, inclusive.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN SCHOOL, TURTLE MOUNTAIN INDIAN RESERVATION, N. DAK.

The bill (S. 3501) to provide for the construction of a boarding school for Indian children at Belcourt, in the Turtle Mountain Indian Reservation, State of North Dakota, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to provide for the construction and equipment, at a cost not to exceed \$230,425, of a school plant at Belcourt, in the Turtle Mountain Indian Reservation, State of North Dakota, to be used as a boarding school for Indian children. Such school plant shall comprise all buildings and equipment necessary properly to house and care for 150 children.

SEC. 2. There is hereby authorized to be appropriated the sum of \$230,425, or so much thereof as may be necessary, to carry out the provisions of this act.

Mr. KING. Mr. President, I note that this bill authorizes an appropriation of \$230,425. Is that to be reimbursable?

Mr. FRAZIER. No; it is not. These Indians have no funds out of which it can be made reimbursable. In this Turtle Mountain Indian Reservation there are two hundred and thirty and some Indian children of school age who are not in school, because no school is provided for them.

Mr. KING. To what tribe do they belong?

Mr. FRAZIER. They are a mixture—partly Sioux and partly mixed bloods.

Mr. KING. Have they no reservation of their own?

Mr. FRAZIER. They have a reservation consisting of two congressional townships, 6 by 12 miles. There are about 1,600 wards of the Government, and about 1,800 patent-in-fee Indians.

Mr. KING. Have there been no school facilities afforded in the past by the Government for any of these children?

Mr. FRAZIER. They have sent some of them to other schools around—one down at Bismarck, one at Wahpeton, and one at Minnewaukan, N. Dak., and some of them outside the State—but there has been no provision for schools in the State to take care of them. There are not school facilities to take care of them. Some of these Indian children attend day schools, district schools, but there are not enough of those to take care of them.

Mr. KING. The Senator knows that I am very much interested in the preservation and civilization and welfare of the Indians; and in view of the fact that a resolution has recently been passed creating a committee to make full investigation in regard to Indian matters and the best methods of civilizing, improving, and caring for the Indians, I was wondering whether it might not be wise, before making any large appropriations, to await the report of that committee.

Mr. LA FOLLETTE. Mr. President, will the Senator from North Dakota yield?

Mr. FRAZIER. I yield.

Mr. LA FOLLETTE. May I say to the Senator from Utah that the committee held a hearing upon this measure. We had before us the district attorney of Rolette County, and the committee went into the details of the situation very carefully;

and this really is somewhat of an emergency situation. These are patent-in-fee Indians, largely, and since 1913 the county have been burdened with relief work, which they have carried on very magnificently and very generously; but they have practically reached the limit of their resources, and the result is that no further school facilities can be provided. There are over 250 children of school age who have not any provision whatsoever for educational facilities; and the committee felt that it was the duty of the Government to step in and relieve this situation, and provide school facilities for these children.

Mr. CARAWAY. May I ask the Senator from North Dakota what provision has been made for maintaining the school after the building is constructed?

Mr. FRAZIER. This will include equipment. Of course, that would have to come through the Indian Office. I do not think there is any question about that part of it.

Mr. CARAWAY. Where would the Indian Office get the funds?

Mr. FRAZIER. Out of the direct appropriation of Indian money carried in the Indian appropriation bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS PERDIDO BAY, FLA. AND ALA.

The bill (S. 3990) granting the consent of Congress to the boards of county commissioners of the counties of Escambia, Fla., and Baldwin, Ala., their successors and assigns, to construct, maintain, and operate, or to cause to be constructed, maintained, and operated, under franchises granted by them, a toll bridge across Perdido Bay, in the States of Florida and Alabama, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 2, line 3, after the word "operate," to strike out "or to cause to be constructed, maintained, and operated, under franchises granted by them"; in line 5, after the word "Bay," to insert "at a point suitable to the interests of navigation"; in line 7, before the word "Point," to strike out "Innerarity" and insert "Inerarity"; in line 9, before the word "Act" where it first occurs, to insert "provisions of the"; in line 17, after the word "conveyed," to strike out "or to whom the franchise to construct, maintain, or operate said bridge may be granted by said boards of commissioners"; in line 20, after the word "acquire," to strike out "such rights or such franchise" and insert "the same"; in line 22, after the words "the same as," to strike out "freely" and insert "fully"; and in line 23, after the word "conferred," to strike out "hereby" and insert "herein," so as to make the bill read:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes the consent of Congress is hereby granted to the boards of county commissioners of the counties of Escambia, Fla., and Baldwin, Ala., their successors and assigns, to construct, maintain, and operate a toll bridge across Perdido Bay, at a point suitable to the interests of navigation, extending from a point at or near Inerarity Point, in Escambia County, Fla., to a point on the mainland in Baldwin County, Ala., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, convey, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said boards of county commissioners, their successors and assigns, and any corporation to which or person to whom such rights, powers, and privileges may be sold, assigned, transferred, or conveyed, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such person or corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the boards of county commissioners of the counties of Escambia, Fla., and Baldwin, Ala., their successors and assigns, to construct, maintain, and operate a toll bridge across Perdido Bay in the States of Florida and Alabama."

BILL PASSED OVER

The bill (S. 4013) authorizing the Henderson-Ohio River Bridge Co., its successors and assigns, to construct, maintain,

and operate a bridge across the Ohio River at or near Henderson, Ky., was announced as next in order.

Mr. SACKETT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

OLD FEDERAL BUILDING, DULUTH, MINN.

The bill (S. 2340) to transfer to the city of Duluth, Minn., the old Federal building, together with the site thereof, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That upon completion of the new Federal building authorized to be erected under the provisions of the act of March 2, 1907, in the city of Duluth, Minn., the Secretary of the Treasury is hereby authorized to transfer to the city of Duluth, Minn., the old Federal building, together with the site thereof, at such price and on such terms as he deems to be reasonable, and to convey such property to the city of Duluth by the usual quitclaim deed and deposit the proceeds of such sale in the Treasury of the United States as a miscellaneous receipt.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CITY OF DULUTH, MINN.

The joint resolution (S. J. Res. 119) granting an easement to the city of Duluth, Minn., was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That in carrying into effect existing legislation providing for the granting of an easement to the city of Duluth, Minn., for the use of lots 81 and 83, in block 20, in exchange for the conveyance to the United States in fee simple of lots 86 and 88 in such block 20, as an addition to the new Federal building site in said city, the Secretary of the Treasury is hereby authorized, in his discretion, to accept a title to said lots 86 and 88, in block 20, subject to the reservation of all iron ore and other valuable minerals in and upon said land, with the right to explore for, mine and remove the same, required by section 638 of the General Statutes of Minnesota of 1923.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CARL J. REID DUSSOME

The bill (S. 2076) authorizing the enrollment of Carl J. Reid Dussome as a Kiowa Indian and directing issuance of trust patents to him to certain lands of the Kiowa Indian Reservation, Okla., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, line 4, after the word "directed," to strike out "to enroll Carl J. Reid Dussome, intermarried in the Kiowa Tribe of Indians, who was regularly adopted by the tribal council of aforesaid tribe previous to June 1, 1909, and"; and on page 2, line 4, after the word "Provided," to strike out "That this shall be in lieu of an allotment: *Provided further,* That this enrollment and allotment shall be made only upon the express condition that the said Carl J. Reid Dussome shall relinquish all the rights and privileges which he acquired by reason of his enrollment as a member of the Chippewa or Sioux Tribes of Indians" and to insert "That this shall be in lieu of all claims to any allotment of land or money settlement in lieu of an allotment," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent containing the usual restrictions against alienation inserted in other trust patents to Indians on the Kiowa Reservation, covering the northwest quarter section 23, township 6, range 16 west, Indian meridian, known as the Rainy Mountain school reserve, in Kiowa County, Okla., to the said Carl J. Reid Dussome, who has heretofore received no allotment of land from any source: *Provided,* That this shall be in lieu of all claims to any allotment of land or money settlement in lieu of an allotment.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the allotment of Carl J. Reid Dussome as a Kiowa Indian, and directing issuance of trust patent to him to certain lands of the Kiowa Indian Reservation, Okla."

COMPENSATION FOR INJURY TO EMPLOYEES IN THE DISTRICT OF COLUMBIA

The bill (S. 3565) to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 1, line 8, after the word "Columbia," to insert "irrespective of the place where the injury or death occurs"; and on page 2, line 7, after the word "commerce," to strike out "and" and insert "or," so as to make the bill read:

Be it enacted, etc., That the provisions of the act entitled "long-shoremen's and harbor workers' compensation act," approved March 4, 1927, including all amendments that may hereafter be made thereto, shall apply in respect to the injury or death of an employee of an employer carrying on any employment in the District of Columbia, irrespective of the place where the injury or death occurs; except that in applying such provisions the term "employer" shall be held to mean every person carrying on any employment in the District of Columbia, and the term "employee" shall be held to mean every employee of any such person.

Sec. 2. This act shall not apply in respect to the injury or death of (1) a master or member of a crew of any vessel; (2) an employee of a common carrier by railroad when engaged in interstate or foreign commerce or commerce solely within the District of Columbia; (3) an employee subject to the provisions of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended; and (4) an employee engaged in agriculture, domestic service, or any employment that is casual and not in the usual course of the trade, business, occupation, or profession of the employer.

Sec. 3. This act shall take effect July 1, 1928.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN OREGON FOR INDIAN USE

The bill (S. 4036) to authorize the Secretary of War to transfer the control of certain land in Oregon to the Secretary of the Interior was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to transfer to the control of the Secretary of the Interior, for the use and benefit of certain Indians now using and occupying the land as a fishing-camp site, an irregular-shaped tract of land covering approximately 8.23 acres, comprising that portion of the lands of the United States located in lots 1 and 2, section 20, township 2 north, range 15 east, Willamette meridian, Oregon, originally acquired as a right of way for a projected boat railway in connection with the improvements of The Dalles-Celilo section of the Columbia River.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN CALIFORNIA FOR INDIAN USE

The bill (S. 3503) to authorize the Secretary of the Interior to purchase certain lots in the city of Needles, San Bernardino County, Calif., for Indian use, and authorizing an appropriation of funds therefor was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to purchase a certain tract of land, embracing 337 lots, within an area identified as the Denair addition to the city of Needles, Calif.: *Provided,* That the said lots when purchased shall be made available as home sites for homeless Indians residing in the city of Needles, Calif., and such other Indians as the Secretary of the Interior may see fit to settle thereon, the title when acquired to be taken in the name of the United States: *Provided further,* That the sum of \$8,425 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be used in the purchase of the lots herein referred to.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 12030) to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, does the Senator from New Hampshire expect to take that bill up and pass it under the five-minute rule?

Mr. MOSES. I should like to, but I have an opinion that there are many Senators who will want to discuss it for a greater length of time than five minutes.

Mr. KING. That is my understanding. I think the Senator had better let it go over until other Senators are here.

Mr. MOSES. In view of the persuasive manner in which the Senator from Utah speaks to the Senator from New Hampshire, the latter feels that he must yield to the Senator from Utah.

The PRESIDING OFFICER. The bill will be passed over.

Mr. McKELLAR. Mr. President, may I say to the Senator from Utah that this is substantially the same bill that was passed by the Senate overwhelmingly at the last session. There is nothing new about it.

Mr. MOSES. No, Mr. President.

Mr. McKELLAR. Well, is it substantially the same.

Mr. MOSES. Oh, no.

Mr. FLETCHER. The Senator from Tennessee has amendments to it.

Mr. McKELLAR. They have been included in the bill.

Mr. MOSES. No; we did not get to the bill in the last Congress. I will say to the Senator from Tennessee that we never got to it. The sentiment of the Senate was for it overwhelmingly. I think that is conclusive. But what happened? Was the bill objected to?

Mr. McNARY. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MOSES. Mr. President, I should like to ask the junior Senator from Utah if it is possible to come to some agreement as to a time when we may take up this bill and consider it. It is a most important measure. It deals with a subject matter which has been before Congress now for nearly five years, upon which nothing but makeshift legislation was had. I think that the interests involved in the measure, and the great number of people who are affected by it, should lead the Senate to give it consideration.

Mr. KING. I agree entirely with the Senator, and I shall be glad to have that done if we can get time to-morrow, or at the earliest possible moment.

Mr. McNARY. I call for the regular order.

Mr. McKELLAR. Could we not take it up in the morning hour to-morrow, if we adjourn?

Mr. MOSES. Then I give notice that at the first opportunity during the morning hour I shall move to take up this bill.

Mr. KING. The Senator will find no objection on my part.

The PRESIDING OFFICER. The bill will be passed over.

ALLEY IN SQUARE 1083, DISTRICT OF COLUMBIA

The bill (S. 3771) vacating the alley between lots 16 and 17, square 1083, District of Columbia, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to close, vacate, and abandon so much of the 15-foot public alley in square 1083 as lies between lots 16 and 17; same to revert in equal proportions to the abutting lots.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ST. FRANCIS DE SALES CHURCH

The bill (S. 3903) to provide for the reinterment of bodies now interred in the grounds of St. Francis de Sales Church in the District of Columbia was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That Michael J. Curley, Roman Catholic Archbishop of Baltimore, a corporation sole under the laws of the State of Maryland, be, and he is hereby, authorized and empowered, under such regulations as the Commissioners of the District of Columbia may prescribe, to transfer the bodies interred in the grounds of the St. Francis de Sales Church in the District of Columbia, known as parcel 155/1, to some other suitable cemetery, or cemeteries, within the District of Columbia. Further interments in such grounds shall be prohibited from and after the passage of this act; and the proprietors thereof are authorized to use the same for any legal purposes they may deem proper, subject to such proceedings in eminent domain as may have been or shall hereafter be taken.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REARRANGEMENT AND RECONSTRUCTION OF SENATE WING OF CAPITOL

The bill (S. 814) to rearrange and reconstruct the Senate wing of the Capitol was announced as next in order.

Mr. METCALF. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. COPELAND. Mr. President, what happened to Senate bill 814?

The PRESIDING OFFICER. Objection was made, and the bill was passed over.

Mr. COPELAND. I hope nobody objected to that bill. That is what we have just put in the legislative appropriation bill.

The PRESIDING OFFICER. Some Senator very distinctly objected. The Chair does not know who it was.

Mr. METCALF. Mr. President, I objected to the consideration of that bill. I should like to see the plans.

The PRESIDING OFFICER. The Senator from Rhode Island objected, and the bill went over.

Mr. METCALF. I think putting large windows in the north end of the Senate wing will spoil the outside looks of the building. I think the matter ought to be studied from an architectural point of view.

Mr. MOSES. Mr. President, has the Senator had an opportunity to study the document which has been published dealing with that subject?

Mr. METCALF. I happened to see it last year. I do not know whether any changes have been made since then or not.

Mr. MOSES. I do not understand that there have been any changes in the essential features of the plans. The Senator from New York is much more familiar with the plans than I am.

Mr. COPELAND. The plans are exactly the same, I may say to the Senator from Rhode Island.

Mr. MOSES. The money has already been appropriated for it.

Mr. COPELAND. I am very anxious to have the bill passed, so that if by any chance anything should happen to the appropriation bill in the House, this bill will have become the law.

Mr. METCALF. Let it go over to-day.

The PRESIDING OFFICER. The bill will be passed over, under objection.

INDIANS RESIDING IN STATE OF OREGON

The bill (S. 2139) conferring jurisdiction upon the Court of Claims to hear and determine claims of certain bands or tribes of Indians residing in the State of Oregon was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to hear and determine any claims, whether legal or equitable, which may be had against the United States by the following Indian tribes, namely: The Alsea, Siletz, Tillamook, Coquill, Toootootny, Coos Bay, Umpqua, Shuslaw, Calapuya, Clackamas, Cow Creek, Laekmiut, Marys River, Molala, Nestucca, Rogue River, Santiam, Shasta, Tumwater, Wapato, Yamhill, Chinook, and other bands or tribes of Indians known as the Grand Ronde Indians, residing west of the Cascade Mountains in the State of Oregon. If it is found that any sum of money is rightfully owing from the United States to any of the above-mentioned Indian tribes, the court shall render final judgment therefor against the United States and in favor of the proper Indian tribe or tribes, and either party shall have the right of appeal to the Supreme Court of the United States in the manner provided in sections 242 and 243 of the Judicial Code.

The Court of Claims shall advance the cause or causes upon its dockets for hearing, and shall have jurisdiction notwithstanding lapse of time or statute of limitations. The suit or suits instituted hereunder shall be presented by petition of any such Indian tribe or tribes as plaintiff against the United States as defendant, and the petition may be verified by the attorney or attorneys employed by such Indian tribe or tribes upon information and belief as to the facts therein alleged, and no other verification shall be necessary.

The attorney or attorneys for such Indian tribes shall be paid such fee as the Court of Claims may find reasonable, the same to be approved by the Secretary of the Interior, but in no case shall the fee decreed by the Court of Claims be in excess of the amount stipulated in the contract of employment, nor amount to more than 10 per cent of the recovery, if any, to which any such Indian tribes shall be entitled. The sum or sums recovered for such Indian tribes shall be disbursed under the supervision of the Secretary of the Interior to the parties entitled thereto in the manner prescribed by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHIPPEWA INDIANS OF MINNESOTA

The bill (H. R. 10360) to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, line 6, after the word "funds," to strike out "or other property"; and in line 8, after the word "Minnesota," to insert "and if the court shall so determine and said funds are found inadequate, then the unsatisfied portion of said judgment shall be paid by the United

States, but in no event shall any part of the land of the Red Lake Reservation be used in any way in payment thereof," so as to make the bill read:

Be it enacted, etc., That in case No. H-76 heretofore filed in the Court of Claims under and in pursuance of an act of Congress entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926 (44 Stat. L. 555), wherein the Chippewa Indians of Minnesota are parties plaintiff and the United States is party defendant, if the Court of Claims shall determine that the said Chippewa Indians are entitled to recover a judgment against the United States upon the cause of action therein set forth, the said court shall further determine whether such judgment, or any part thereof, shall be paid by the United States out of funds held by the United States in trust for the Red Lake Band of Chippewa Indians of Minnesota, and if the court shall so determine and said funds are found inadequate, then the unsatisfied portion of said judgment shall be paid by the United States, but in no event shall any part of the land of the Red Lake Reservation be used in any way in payment thereof, and the said Red Lake Band of Chippewa Indians is hereby authorized, on the approval of this act, to appear in said suit by their attorneys employed in accordance with the provisions of existing law, and defend their rights in the matter.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MAKAH RESERVATION, WASH.

The bill (S. 2538) for the construction of a road across the Makah Reservation to Neah Bay, Wash., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 11, after the words "sum of," to strike out "\$50,000" and insert "\$30,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior, in his administration of Indian Affairs, is hereby authorized to survey and build a road, inclusive of the necessary bridges, from the Sekiu River westerly to Neah Bay in the Makah Indian Reservation, to connect the Neah Bay Indian Agency with the trunk highway of Clallam County, Wash., a distance of approximately 5 miles in length, and there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, the sum of \$30,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ERADICATION OF PINK BOLLWORM

The joint resolution (S. J. Res. 129) to provide for eradication of pink bollworm and authorizing an appropriation therefor was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Agriculture and Forestry with amendments:

The first amendment was, on page 3, line 14, after the word "Provided," to insert "That no part of the funds herein authorized to be appropriated shall be available for compensation in connection with the establishment of a noncotton zone in any county unless and until the live pink bollworm is found within such county or within a radius of 5 miles thereof: *Provided further,*" so as to read:

Whereas a very serious emergency has arisen by reason of an outbreak of the pink bollworm involving some seven counties in the western extension of cotton in Texas which threatens one of the primary industries of the Nation and demands immediate action; and

Whereas there are only two possible means of meeting this situation, one by regulating the movement of cotton and cottonseed from the newly infested counties with the idea of preventing long-distance spread through the agency of such products, and the other to declare and enforce noncotton zones as to such areas with the idea of the immediate eradication of the pest, with the object of saving the cotton crop of the Nation from general invasion and future enormous annual losses; and

Whereas regulation does not eradicate nor does it prevent spread except as to districts so completely isolated from other cotton as to eliminate the possibility of the natural spread of the pest, and, therefore, the regulation of these new areas in contact with continuous cotton cultivation will necessarily permit the natural and probably very wide spread of this pest yearly, and will amount, therefore, to giving up the battle to save Texas and the rest of the Cotton Belt from general and probably wide invasion by the pink bollworm, accompanied by annual and greatly increasing costs of such regulation; and

Whereas the only known means of eradication is by the establishment of noncotton zones for one or two years—a method which has a long record of successes, but which may become impossible as to such west Texas areas on account of natural spread and mounting costs if postponed; and

Whereas the losses due to such ones must fall primarily and heavily upon a small group of farmers, and inasmuch as these losses are in the interest of the cotton crop of the Nation, compensation of such farmers for actual and necessary losses due to the enforced nonproduction of cotton would seem to be fully warranted; and

Whereas the cost of the establishment of such noncotton zones in these new areas will be necessarily very large on account of the considerable cotton acreage involved—some 360,000 acres—costs which are in the interest of the entire Cotton Belt; and

Whereas the State of Texas has now no funds available for such compensation of farmers and its legislature is not now in session and will not normally come in session for another year, and, further, the securing of such funds by the State would involve new legislation and new taxation very unlikely to be obtained in view of the amount involved, and the fact, as indicated, that such expenditure would be for the protection of the entire Cotton Belt: Therefore be it

Resolved, etc., That when any State shall have enacted legislation and taken measures, including the establishment and enforcement of noncotton zones, adequate, in the opinion of the Secretary of Agriculture, to eradicate the pink bollworm in any area thereof actually infested, or threatened, by such pest, the said Secretary, under regulations to be prescribed by him, is authorized to pay, out of \$5,000,000 hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended in cooperation with the proper authorities of the State concerned in compensating any farmer for his actual and necessary loss due to the enforced nonproduction of cotton within said zones: *Provided*, That no part of the funds herein authorized to be appropriated shall be available for compensation in connection with the establishment of a noncotton zone in any county unless and until the live pink bollworm is found within such county or within a radius of 5 miles thereof: *Provided further*, That such loss as to noncotton zones established by the State of Texas shall be determined as provided in existing statutes of that State, and similarly by similar statutes which may later be provided by other States concerned, and that in estimating such loss due account shall be taken of the value of other crops which may be produced on said land, so that the loss shall not exceed the difference in return to the farmer from cotton over such other crops: *Provided further*, That such determination of actual and necessary loss shall be subject to the review and approval of the Secretary of Agriculture: *And provided further*, That no reimbursement shall be made with respect to any farmer who has not complied in good faith with all of the quarantine and control regulations prescribed by said Secretary of Agriculture and such State relative to the pink bollworm.

The amendment was agreed to.

Mr. KING. Mr. President, I should like the Senator from Louisiana [Mr. RANSDELL] to explain just how far this bill will go. I am told that the purpose is to go to individuals who have cotton fields and pay them for not farming. Not satisfied with making an appropriation to exterminate the boll weevil or pink bollworm, or whatever the pest may be, the plan is to pay farmers whatever may be determined upon by the Government agent a certain amount per acre for not farming. I should like to know to what extent they are going and whether our policy is to pay every person who may not farm because of some pest.

I know that in my State many of the lands have been non-productive because of the white fly that destroys our beet crop. Thousands of acres of the finest alfalfa were destroyed by the weevil. Are we going to go to farmers and tell them, "If you will not farm, we will pay you for it. We will pay you so much an acre for your alfalfa land and so much for your cotton land and so much for your apple orchards, where you cease to produce"?

I am perfectly willing to make appropriations for the extermination of the pest; but it is a novel proposition that we must pay people for not farming.

Mr. RANSDELL. Mr. President, I thank the Senator for stating that he is willing to pay for exterminating the pest. That is exactly what we propose to do, Mr. President and Senators.

The Agricultural Department has determined, after a very elaborate study, that the only way in which this pest, the pink bollworm, can be exterminated, is to cease planting cotton in the affected area for about two years. Sometimes they kill them in one year; sometimes they are obliged to carry on the fight for two years. I have never heard of it being done more than two years. You just stop planting the crop that is affected, in the affected area, for that length of time, and all the

worms die, all the eggs die, and the insect is put out of business absolutely.

That is not an experiment, I will say to the Senate, because some years ago we had a small outbreak of the same insect in southeastern Texas and southwestern Louisiana, and this method of fighting it was tried, and tried successfully. That was in 1917, 1918, and 1919, the insect was destroyed; the Government has been watching it with great care ever since, and there has been no return of it.

What has happened in other countries? In India, in Egypt, in parts of Africa, in Brazil, in Mexico, everywhere else on earth except so far as the scientists are able to find in this limited portion of the United States, in Texas and Louisiana, the insect has continued to grow and grow, and has destroyed enormous values of property. In Egypt the crop is damaged at least one-fourth every year. In Brazil the crop is damaged to the extent of \$27,000,000 a year, and Brazil is not one of the great cotton-growing countries of the world. The destruction of this pest is almost incalculable, and all the scientists agree you can absolutely eradicate it, not check it, but eradicate it, by pursuing this method. I hope there will be no objection, and that the joint resolution will pass.

Mr. JONES. Under the measure is the Government to pay the man for not putting in his crop?

Mr. RANSDELL. Yes.

Mr. JONES. How do they determine whom to pay?

Mr. RANSDELL. The farmers stop planting a crop of cotton in the particular area for a limited time, and the Government department, in cooperation with the State departments, determines what the loss to the individual has been on account of shutting him off, preventing him from planting the crop during that time. He is allowed to plant anything else, and he is expected to make all he can out of the ground, but if the crop he does plant produces less than the crop he would have been willing to plant and would have planted, in cotton, then he is paid the difference. It is only for this one year.

Mr. JONES. Do they try to find out whether he has been industrious or not?

Mr. RANSDELL. I think they do the best they can.

Mr. JONES. It is a very peculiar procedure, I may state.

Mr. KING. Mr. President, may I ask the Senator, if this is so destructive, why would the man want to plant, and if he did plant, if it is so destructive as the Senator indicates, he would raise nothing, so his damage would be less; yet you propose to pay him for the profits which he would have made. How are you going to determine that he would have a profit, when you say that if he planted he would not reap, because of the destructive characteristics of this pest?

Mr. RANSDELL. I did not say he would not have reaped profits. I say that the insect grows, and in a very few years it practically destroys everything, but for the first year or two it is not very destructive. Yet it has to be stopped. If it is not stopped, the lint is carried, and the insect spreads over the entire area of the country where the plant grows.

Mr. BRUCE. Mr. President, has this measure received the approval of the Secretary of Agriculture?

Mr. RANSDELL. The absolute, unqualified approval of the Secretary of Agriculture, and of the Committee on Agriculture. The chairman of the committee is in the Chamber. The joint resolution is unanimously reported upon by the Secretary of Agriculture and by the committee.

Mr. BRUCE. Then it has my approval.

The PRESIDING OFFICER. The question is on agreeing to the second amendment, which will be stated.

The CHIEF CLERK. On page 4, to add at the end of the bill the following:

And provided further, That the appropriation herein authorized shall be available only for compensation for the crop of 1928, unless the State in which any noncotton zone is established shall thereafter appropriate and pay a sum in each year equal to the amount expended in such State by the United States under this authorization.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

LONGSHOREMEN'S COMPENSATION ACT

The bill (H. R. 12320) to amend the longshoremen's and harbor workers' compensation act was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTINE BRENZINGER

The bill (H. R. 5297) for the relief of Christine Brenzinger was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, after line 10, to insert a new section, as follows:

SEC. 2. That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered or advances made in connection with said claim. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ANTON ANDERSON

The bill (H. R. 2654) for the relief of Anton Anderson was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS HUGGINS

The bill (H. R. 2657) for the relief of Thomas Huggins was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, after line 9, to insert a new section, as follows:

SEC. 2. That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered or advances made in connection with said claim. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RELIEF OF THE STATE OF FLORIDA

The bill (S. 3917) for the relief of the State of Florida, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 3646, as amended, of the Revised Statutes of the United States, the disbursing clerk of the Department of Agriculture is authorized and directed to issue, without the requirement of an indemnity bond, a duplicate of original check numbered 1567677, drawn August 22, 1927, in favor of "State treasurer of Florida" for \$11,789.53 and lost, stolen, or miscarried in the mails.

Mr. CARAWAY. Mr. President, I would like to ask the Senator from Florida a question. A bill of like character passed for the relief of North Carolina, and it seems to get no consideration in the House. A House bill for the relief of North Carolina is now pending in the Senate Committee on the Judiciary. I think it is the purpose of the Committee on the Judiciary, if I do not misinterpret its purpose, to amend that bill and to put on it provisions for all the States that are entitled to this relief. Would the Senator rather have his bill passed, or would he rather have it put on that bill?

Mr. FLETCHER. I would rather have this passed, and then we can deal with the omnibus bill a little later.

Mr. CARAWAY. I have no objection.

Mr. FLETCHER. The Senator understands that this is to relieve the State of paying a premium on an indemnity bond where a check was lost.

Mr. CARAWAY. I beg the Senator's pardon. I thought it was another bill.

Mr. FLETCHER. I think this is a different matter.

Mr. CARAWAY. Yes; this is a different matter.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DR. JOHN MACK

The bill (H. R. 6367) authorizing the redemption by the United States Treasury of 20 war-savings stamps (series of 1918) now held by Dr. John Mack, of Omaha, Nebr., was announced as next in order.

The PRESIDING OFFICER. The adverse report on the bill is agreed to, and the bill will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes, was announced as next in order.

SEVERAL SENATORS OVER.

The PRESIDING OFFICER. The bill will be passed over.

WILLIAM H. CHAMBLISS

The bill (S. 2274) for the relief of William H. Chambliss, was announced as next in order.

Mr. KING. I find no report with this bill. I am informed that it has not been received from the Printing Office. Let the bill go over until we get the report.

The PRESIDING OFFICER. The bill will be passed over.

HOME FOR AGED AND INFIRM, DISTRICT OF COLUMBIA

The bill (S. 4170) to authorize plans for a hospital at the Home for Aged and Infirm in the District of Columbia, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are authorized and directed to have the municipal architect prepare plans, specifications, and estimates for a suitable infirmary and hospital for the Home for Aged and Infirm.

SEC. 2. That for such purpose there is hereby authorized to be appropriated the sum of \$1,000, or such portion thereof as may be necessary.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WOMAN'S BUREAU, METROPOLITAN POLICE DEPARTMENT, DISTRICT OF COLUMBIA

The bill (S. 4174) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Let that go over. I want to file a minority report.

The PRESIDING OFFICER. The bill will be passed over.

JOINT-STOCK LAND BANKS

The bill (S. 4039) to exempt joint-stock land banks from the provisions of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, was announced as next in order.

Mr. KING. Let that go over.

Mr. SACKETT. Mr. President, will not the Senator withhold his objection a moment?

Mr. KING. I withhold the objection.

Mr. SACKETT. I want to explain the bill. This is an amendment designed by the Federal Reserve Board in order to exempt directorships of joint-stock land banks from the prohibition of the Clayton Act, because they are like mutual-savings banks; they do not loan money except on land, and there can be no restriction of credit. The governors of the board have been before the committee, and the committee was unanimous in asking that this bill go through. It simply removes one of the difficulties that have come up since the Clayton Act was passed and for which there seems to be no particular reason. There is no objection to a director serving on the board of a national bank and a joint-stock land bank. It is really a better thing to have them do so.

Mr. KING. This relates merely to a director serving on the boards of both?

Mr. SACKETT. Absolutely, and to nothing else. It simply puts them in the class of mutual-savings banks.

Mr. KING. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Banking and Currency with amendments, on page 1, line 6, to strike out the words "found in title 15, chapter 1, section 19, United States Code," and to insert on line 8 "(U. S. C., title 15, ch. 1, sec. 19)," so as to make the bill read:

Be it enacted, etc., That the first proviso of the second paragraph of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended (U. S. C., title 15, ch. 1, sec. 19), is amended to read as follows:

"Provided, That nothing in this section shall apply to mutual-savings banks not having a capital stock represented by shares, to joint-stock land banks organized under the provisions of the Federal farm

loan act, or to other banking institutions which do no commercial banking business."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GOV. ALFRED E. SMITH

Mr. OVERMAN. Mr. President, I hold in my hand an article from the Atlanta Journal complimentary to my colleague, and also one appearing in the Winston-Salem Morning Journal relative to campaign activities in North Carolina. I ask to have both printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Atlanta (Ga.) Journal]

SENATOR SIMMONS SPEAKS THE MIND OF THE SOUTH

So distinguished a Democrat and so wise a statesman as Senator SIMMONS, of North Carolina, would command a wide hearing on any public issue upon which he saw fit to speak, but especially on one of such moment as his party's nomination of a presidential candidate. He is known for practical insight as well as for staunch convictions, and in his thought on questions of broad consequence he runs true to the mind of the South as a whole as well as to that of his native State. Moreover, he is a national figure, a veteran in the councils of American Democracy, a Senator to whose views all regions listen with respect. Nationally significant, therefore, is his declaration that in his judgment Governor Smith, of New York, will not be nominated for the Presidency and would not be elected even if named. Vigorously denying a report that he was no longer opposed to that candidate, but regarded his nomination at Houston as "inevitable," Senator SIMMONS issues this emphatic statement:

"My convictions upon the subject are so profound that I know of no circumstances under which I would change my attitude toward the candidacy of Mr. Smith. Early in this campaign I made public a statement in which I declared my opposition to Mr. Smith and stated I was opposed to him because I believed his nomination would be unfortunate for the party in the country at large, and especially dangerous to Democratic harmony and supremacy in the South. I have not changed my views. I am as much opposed to Mr. Smith as I have ever been. Indeed, later developments have strengthened my conviction that his nomination would be disastrous to the Democratic Party. The intimation that I thought that the nomination of Mr. Smith certain is also utterly erroneous. On the contrary, I do not believe either that Mr. Smith will be nominated or that he could or would be elected if nominated."

This, we say, is significant nationally because it voices the belief prevailing in that part of the country which is the oldest, the staunchest, and in many respects the most important stronghold of the Democratic Party. The South as a whole subscribes heartily to Senator SIMMONS's view and honors him for the vigor with which he avows it. Not unmindful of the services the New York Governor has rendered his own Commonwealth and freely crediting him with the qualities he there has displayed, the rank and file of southern Democrats think, nevertheless, that his nomination for the Presidency of the United States would be extremely ill advised. Nor can this judgment be changed or discounted by propaganda of the eastern press nor by schemes of organized interests who are bent upon breaking down the eighteenth amendment and bringing back the evils which prevailed prior to national prohibition. Southern Democrats are not to be deceived by the ballyhoo of personal press agents and the puppet enthusiasm of hand-picked delegates any more than they are to be stampeded out of their convictions by this or that political flurry 60 days before the Houston convention. They have noted well what Senator SIMMONS points out, that if Governor Smith should be conceded every one of the delegates thus far credited to him he still would have little more than one-third of the number necessary to nominate. A camel might go through the eye of a needle by divesting himself of all impediments, including his hump; but there are certain alliances which never will go through the Houston convention, not if southern Democracy can save the day.

[The following is from Winston-Salem Morning Journal of April 23, 1928. The Raleigh News and Observer, Josephus Daniels's paper, also printed an exposé of this Smith plan yesterday]

COPY OF FORMULA EXPOSES MACHINE WORKING IN NORTH CAROLINA—JOHN DAWSON LEADER FOR TAMMANY; "BOB" EDWARDS, OF WAYNE, WAS "CAUTIOUS AND SAGACIOUS" CONTACT MAN; THEY MOVED UP PRECINCT MEETINGS; GUM-SHOE PROGRAM UPSET BY PREMATURE BRAGGING OF LEADERS ABOUT STRENGTH IN STATE

By John A. Livingstone, from the Journal's Washington Bureau

WASHINGTON, April 22.—Carefully laid plans to capture the North Carolina delegation for Gov. Al Smith were formulated in Tammany

Hall and sent down for the guidance of the selected group of politicians who have charge of the campaign.

When this selected group met in Raleigh shortly before the meeting of the State Democratic executive committee in March, they had this chart before them and the plans as outlined have been put into operation. These plans call for an organization along these lines:

1. A cautious and sagacious man informed in State politics to visit each congressional district to confer with two men from such district.
2. Selection of three appropriate county leaders in each county in their district by those two district leaders.
3. These three county leaders are to arrange to have their friends present at the precinct meetings to see that the proper men are selected for the county conventions.
4. With the personnel of the county conventions the next step, of course, is the carefully arranged selection of Smith delegates to the State convention.
5. The two district men are to call a conference with at least one from each county in their district to agree upon the delegates to the national convention.

Former Sheriff "Bob" Edwards, of Wayne County, has been the contact man for the Smith headquarters in Raleigh, but in accordance with the carefully veiled plans the leaders in the Smith campaign did not remove the cloak of secrecy until after the Presidential candidate arrived in the State. He is well qualified for the rôle of "cautious, experienced, and sagacious man informed in State politics."

Even while some of the leaders in the Smith campaign were loudly proclaiming from the housetops that they recognized there was no chance to send a Smith delegation to Houston, these carefully veiled plans were being put into operation in the State.

These plans for capturing the State are evidently the same that have been used effectively in other States.

The plans outlined were upon the assumption that the precinct meetings would be held in April, but decision to postpone the convention in June made changes necessary only as to time. In every other respect the organization plan is as good for one month as another.

In only one respect was there threat of upsetting these plans. That was State Chairman Brummitt's idea of having the precinct meetings on the same day as the June primary. That would have put a bombshell into the Smith camp by upsetting the mudsill of the organization plan. Therefore it was incumbent upon Smith leaders to get that changed.

Under the leadership of former State Chairman John Dawson they succeeded in getting the precinct meetings moved up a week, which would give a better opportunity to capture the precinct meetings through lack of interest on the part of opponents.

Some enthusiastic Smith leader in the State could not keep the good news from Tammany Hall, and the word was sent that the State could be swung to Smith. The news was published in the New York World. In more conservative Tammany Hall circles, North Carolina has been put down as a doubtful State.

Perusal of the Tammany plans for capturing the State reveal that indifference of opponents certainly would open the way for capture of both county, district, and State conventions.

The remarkable feature of this organization plan is the lack of any indication anywhere that it is a Smith plan. There is not even the semblance of allusion to Smith, New York, or anything else to indicate its purpose. It accounts for the gum-shoe campaign carried on in North Carolina for months.

Nothing is to be left to chance though, as every feature of it fits in with every other feature. It represents the quintessence of political organization wisdom. The most striking feature of it is that it is designed solely to be carried out by local talent. Nothing is left to chance, but it is simplified to the extent that few mistakes could be made.

It is the simplicity of art. It is the boiled-down experience of years of successful political organization work by Tammany Hall.

Memorandum of the Smith organization plan for North Carolina, as outlined by Tammany Hall and put into operation in the State, follows:

"1. A cautious and experienced and sagacious man informed in State politics should be obtained to go to each congressional district in the State as early as possible and there confer with two men from such congressional district. These two men should meet the man so visiting the congressional district, and, in the first conference, there should be no one present except the three unless after the conference begins the three should agree on calling one or more particular persons.

"2. These two conferees from each congressional district must be men well informed upon the politics of their district and who are prepared to receive and understand the information and suggestions to be given them by the visitor covering the State. The visitor will suggest to the district men as follows:

"That the two district men immediately select from each county in their district three appropriate county leaders who are prepared to act with discretion and to act quickly, and then that the two district men will confer as quickly as possible with these three county men, each conference to be limited to the two district men and the three county men from one county; that is, only the five in this conference, it being

the purpose that the two district men will hold separate conference for each county in their district at such time and place as may be selected by the two district men, and not necessarily in the county under consideration.

"3. After three men from each county are thus thoroughly informed as to their duties and efforts they shall at once arrange to have their friends present at each precinct meeting, meeting apt to be in April, and these friends at each precinct meeting shall choose the proper delegates to the county convention apt to be one week after the precinct meeting.

"4. With the personnel of the county conventions carefully arranged and chosen as hereinbefore indicated proper delegates can be selected to go from each county to the State convention, and it must be made certain that such delegates will actually attend the State convention.

"5. Immediately following the county conventions the two district men, as hereinbefore mentioned, should call a meeting of at least one man from each county in their district, and together they should, if possible, agree upon the delegates which their district will choose to go to the national convention, so that in the district caucus at Raleigh, which is usually held at 10 o'clock on the day of the State convention, there will be no confusion or difficulty about naming the delegates agreed upon to the national convention.

"The putting into actual effect of the above-mentioned plan depends in the main upon the following:

"(a) That the man to visit the 10 congressional districts and confer with the two district men shall be the man for the place.

"(b) That the two district men shall be not only the proper men to handle their district, but shall also be men who will agree to give a little time to this work and see that it is carried out.

"(c) The two district men must stay constantly in touch with the three county men in their district and see that the three county men organize the precinct meetings and send the proper delegates to the county conventions.

"(d) The county conventions must choose proper delegates to the State convention.

"(e) There must be an understanding as far as possible by each county as to who will be chosen delegates from the State convention to the national convention. This can be carried out as suggested in paragraph 5."

IN DEFENSE OF PIFFLE

Mr. COPELAND. Mr. President, I hold in my hand a short article from the pen of my friend, Bruno Lessing, in the April 23, 1928, issue of the New York American. This is on a very important subject, "In defense of piffle," and I ask unanimous consent that it may be printed in the body of the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article referred to is as follows:

SOMETHING TO THINK ABOUT

By Bruno Lessing

IN DEFENSE OF PIFFLE

Senator WALSH of Montana publicly rebuked Senator ROBINSON of Indiana for having indulged in loose talk.

"The whole thing," said the gentleman from Montana, "seems to me of such character that it might be described in the language of the street as 'piffle.'"

Isn't it rather cruel to thrust such a good and honest word as "piffle" out into the street? True, it was once a homeless wanderer. But Rudyard Kipling took it to his bosom and, even in the supplement of Webster's Dictionary, you find it admitted to good society and respectable homes.

Piffle now wears good clothes, a wrist watch, and spats, goes to most of the plays and belongs to many clubs.

Senator WALSH's reflections upon the ancestry of Piffle were rather ungracious. It was also a breach of senatorial courtesy. Piffle is one of the oldest Members of the United States Senate. He has always been popular, both with Democrats and Republicans.

Whenever a Senator makes a speech merely for home consumption Piffle stands at his side and coaches him. He has even been known to climb on a Senator's back and whisper the whole speech into his ear. And once in a while he edits the whole CONGRESSIONAL RECORD.

In the realm of society he is so popular that few of the select circles could get along without him. He is the principal speaker at every public banquet and usually helps the other speakers to prepare their speeches.

The younger generation adore him. He attends all their games and gatherings and plays a prominent part in them. Even in the secret and sacred meetings of lovers he is often present—a welcome companion. Married couples love to have him for dinner because he supplies most of the conversation.

But friend Piffle's activities extend far beyond those social fields. He plays frequently a leading part in what we commonly call "world movements." He is the president and in some cases the whole board of directors of many organizations and associations of men and women

who, with the kindest hearts and the best intentions, have undertaken to change human nature.

He plays a great part in the literature of to-day. In fact, he writes a great deal of it himself. He has directed many moving pictures and written all the titles.

It would take far greater space than is at this writer's command to do justice to the part which Piffle plays in our modern life. But the writer's purpose is accomplished if Senator WALSH will admit the error of his attitude. He will be satisfied if the Senator will get up in the Senate and say:

"I regret that I did injustice to Piffle. That estimable gentleman who inspired the speech of my colleague from Indiana is not a denizen of the streets but moves in the highest society." (Copyright, 1928, King Features Syndicate (Inc.).)

GOV. ALFRED E. SMITH—LETTER OF HON. ROBERT L. OWEN

Mr. BLACK. I ask unanimous consent to have printed in the RECORD an article appearing in the Winston-Salem (N. C.) Journal, containing a letter from former Senator Robert L. Owen to Senator SIMMONS, of North Carolina.

The PRESIDING OFFICER. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OWEN BACKING SENATOR SIMMONS—OKLAHOMA SENATOR TELLS TAR HEEL TO KEEP UP GOOD FIGHT—TAMMANY HISTORY—RECALLS TREACHERIES OF NEW YORK POLITICIANS

In a ringing letter of commendation Senator Robert L. Owen, of Oklahoma, for 18 years a Member of the United States Senate, takes his stand by the side of Senator SIMMONS in the fight against Al Smith and Tammany Hall. The Journal last night received from Senator Owen a copy of letter he has written to Senator SIMMONS. His letter follows:

WASHINGTON, D. C., April 21, 1928.

Hon. F. M. SIMMONS,

New Bern, N. C.

MY DEAR SENATOR SIMMONS: The public press announces that Governor Smith, of New York, is visiting North Carolina and that his visit is at once followed by an assault on your leadership in that State.

You and Senator OVERMAN are the oldest Democratic United States Senators and the only ones who were in the Senate when I entered it in 1907. For 18 years, side by side, I fought with you in the Senate of the United States for the welfare of the country and the honor of the Democracy. I know your courage, your knowledge, your wisdom, your attachment to the Democracy, and it is painful to me to see you assailed because you have warned the Democracy against the nomination of Governor Smith.

As I organized the Democratic Party in Indian Territory in 1892, was its first Democratic national committeeman, was its first United States Senator, was three times elected to the Senate, and was twice supported by my State for the presidential nomination, I trust my Democracy will not be questioned when I join you and defend your position in opposing the nomination of Governor Smith and defend you against the assaults of those who now support the candidate of Tammany.

I can not possibly forget that it was Tammany who fought Samuel J. Tilden, a great, brave, and honest Democrat; yet he was nominated and received a majority popular vote, the views of Tammany to the contrary notwithstanding. Indeed, except he had been opposed to Tammany's machine rule and system of commercialized politics and the Tammany leaders who represented everything else but Jeffersonian Democracy, Tilden could not have received the confidence of the country nor the popular vote.

It should be remembered, my dear Senator, that the Tammany tiger fought that great Democrat, Grover Cleveland, "tooth and nail," yet that very fact established Grover Cleveland in the confidence of America and made the country love him for the enemies he had made, and he was three times nominated by the Democratic Party; three times he received the popular vote; and twice he was elected President of the United States.

It will be remembered that it was Tammany's warriors who assisted Mark Hanna to defeat the great Democrat, William J. Bryan, every time he was nominated by the Democratic Party. Three times Bryan was opposed by Tammany men who claimed to be Democrats but still, in spite of Tammany's opposition, Bryan was greatly beloved by the progressive Democracy of America.

When the great Democrat, Woodrow Wilson, was a candidate, Tammany Hall fought him, and the leaders of Tammany were hostile to Wilson during his administration, yet Woodrow Wilson was twice nominated and twice elected in spite of the opposition and lack of fidelity of the forces governed by the Tammany group.

No man who has thoughtfully studied the records of the election returns of 1920 and 1924 need have any doubt that it was the forces affiliated with Tammany that betrayed James M. Cox and John W. Davis, the Democratic nominees for the Presidency, or that Tammany elected Alfred E. Smith as Governor of New York in 1924 as a consequence of such bipartisan intrigue, as is well known to informed men.

Who was it behind the "Al and Cal" or "Cal and Al" campaign against John W. Davis if it was not the bipartisan machine forces of Tammany and Coolidge leaders?

And who is it now that is so lavishly financing the campaign of Governor Smith in the 48 States? Can there be any doubt that it must be the plutocratic associates with whom the Tammany warriors have heretofore affiliated and collaborated? Were not these the same forces substantially who opposed Tilden and Cleveland and Bryan and Cox and Davis?

Did not the representatives of Tammany in the Congress of the United States support Joe Cannon, the mouthpiece of plutocracy, when he was deposed by Democrats and progressive Republicans from his position as czar of the House of Representatives?

Has Tammany really reformed in its organized machine rule methods of commercialized politics? Have they really discontinued their practices which have enriched such men as Tweed and Croker and Murphy? It is possible that the disciples of Thomas Jefferson, of Tilden and Cleveland and Bryan and Wilson will follow the leadership of Tammany and put Tammany in the White House.

Does Tammany imagine that by organizing 48 States by Tammany methods and alert intrigue, by Johnny-on-the-spot methods at precinct caucuses and selecting in advance and secretly key men in 2,500 counties and financing the national campaign and controlling State conventions by such processes, while the people, the trusting people, are inattentive and preoccupied, that it can nominate and seize the Presidency of the United States?

It seems obvious that since 1920 a determined group have been steadily advancing the nomination of Governor Smith, writing books and magazine articles, filling the press with propaganda. It is entirely clear that these processes can make and have made a substantial impression on the plastic minds of many who are like Will Rogers in that "all they know is what they see in the papers." This is sufficient to catch the band-wagon group and the camp followers who are looking for political provender. But it is not enough to overcome in America the profound opposition to Tammany and its methods of organized, commercialized politics. It is not enough to satisfy the country who recognize in Tammany the most highly organized political foe to the national policy of prohibition. It is not enough to satisfy the country with the nullification of the eighteenth amendment by Tammany under the leadership of Gov. Alfred E. Smith, who having sworn to support the Constitution, permits the wholesale, flagrant violation of this law in thousands of speak-easies available to every American who visits New York and who with his own eyes can see this national scandal.

I have no wish to speak in disparagement or to speak lightly of the charming personality of Governor Smith as painted by the New York press, but I am of opinion that Governor Smith is not a person, but that he is an institution representing Tammany and the New York plutocracy affiliated with Tammany in this high enterprise of leading the national Democracy.

Governor Smith is a sachem of Tammany Hall, the most powerful man in the governing group of 13 sachems. He has been in the service of Tammany since his youth, which has developed him, advanced him, and now is trying to make the country believe that he is qualified to lead the unselfish sons of Jeffersonian Democracy.

With Governor Smith and Mr. Coolidge, or an adequate substitute for Mr. Coolidge as the nominee, the American people will face a situation where it matters but little to the plutocracy who is elected, and the demoralization of the Democratic Party will be complete.

Tammany's constituency is as America's great port very naturally overwhelmingly of foreign origin, with foreign ideals, more or less, favoring wide-open immigration, favoring the repeal of the eighteenth amendment, and its nullification until repealed, supporting boss rule, accepting its charities and its employment, and Governor Smith is doubtless their choice and represents their views, but North Carolina and Oklahoma and the American people west of the State of New York, certainly, are opposed to opening the gates any wider to foreign immigration, are opposed to the repeal of the eighteenth amendment, are opposed to boss rule, and are opposed to Tammany leadership.

America is not bankrupt for Jeffersonian leadership, but true Jeffersonian Democrats are not disposed to use Tammany methods in procuring a nomination for the Presidency. North Carolina has Governor McLean, a splendid upstanding Democrat, and worthy of the post of honor, it has the former great Secretary of the Navy, Josephus Daniels, who is worthy and well qualified, Georgia has a splendid man in Senator GEORGE, Tennessee has one of the ablest men in America in CORDELL HULL, Mississippi has the gallant Senator HARRISON, Indiana has a worthy candidate in Woollen, Ohio has the popular Donahay, with his high character and great worth, Texas has its splendid young Governor, Dan Moody, Arkansas has the able, experienced, and worthy Senator ROBINSON, Democratic leader of the United States Senate, Colorado has Huston Thompson, a particularly fine man, seven years on the Federal Trade Commission, California has McAdoo, with his great experience and splendid intellect, and many other States have men worthy to be offered to the national Democracy as leaders of Jeffersonian Democracy.

The real question before America to-day is whether the voice of the plutocracy or the voice of 50 men who happen to be handling billions of property in the conduct of national enterprises shall have control over and smother and extinguish the high principles of Jeffersonian Democracy.

Regardless of possible party stupidity the American Democracy which thinks in terms of the good of all the people, of the good of the rich and the poor—of the good of the very rich and of the very poor—of the learned and the unlearned—which thinks in terms of human brotherhood, free from all malice and full of benevolence, will survive.

If Tammany by intrigue succeeds in seizing the leadership of the Democratic Party it is my opinion that there will emerge from the wreck a Jeffersonian party which will neither ask nor give quarter to the invisible government of a few powerful men which now sits enthroned behind the ostensible Government in Washington.

The gigantic wealth of America owes its existence to the freedom, the opportunities, and the protection of an enlightened and benevolent democracy. The overwhelming majority of the people in America believe in the doctrines of Jefferson and in the Golden Rule, in equal rights to all and special privileges to none, and do not believe in the Hamilton doctrine of organized selfishness which seeks and uses the powers of government for private profit.

With affectionate regard, I am, very faithfully yours,

ROBERT L. OWEN.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until noon to-morrow.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until to-morrow, Wednesday, April 25, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 24 (legislative day of April 20), 1928

TREASURER OF THE UNITED STATES

H. Theodore Tate, of Tennessee, to be Treasurer of the United States in place of Frank White, resigned.

SURVEYOR OF CUSTOMS

John H. Cunningham, of Westminster, Md., to be surveyor of customs in customs collection district No. 13, with headquarters at Baltimore, Md. (Reappointment.)

COLLECTOR OF CUSTOMS

Manuel B. Otero, of Albuquerque, N. Mex., to be collector of customs for customs collection district No. 24, with headquarters at El Paso, Tex., in place of Thomas P. Gable, whose term of office will expire June 30, 1928.

ATTORNEY GENERAL OF PORTO RICO

James R. Beverley, of Texas, to be attorney general of Porto Rico.

PROMOTIONS IN THE NAVY

Lieut. Herbert B. Knowles to be a lieutenant commander in the Navy from the 25th day of August, 1927.

Lieut. Stanwix G. Mayfield, jr., to be a lieutenant commander in the Navy from the 27th day of November, 1927.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 3d day of June, 1927:

Clement R. Baume.

Henry T. Wray.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1927:

Louis D. Sharp, jr.

Charles M. E. Hoffman.

Edward P. Creehan.

Passed Asst. Surg. Frederick W. Muller to be a surgeon in the Navy, with the rank of lieutenant commander, from the 2d day of June, 1927.

The following-named pay clerks to be chief pay clerks in the Navy, to rank with but after ensign, from the 3d day of December, 1927:

Charles G. Crumbaker, jr.

Arthur L. Sullivan.

Henry L. Greenough.

John K. Chisholm.

Stanley B. McCune.

Chastine A. Murray.

POSTMASTERS

ARKANSAS

John W. Reed to be postmaster at Plumerville, Ark., in place of J. W. Reed. Incumbent's commission expires April 26, 1928.
Roy Hill to be postmaster at Strong, Ark., in place of J. W. Honeycut. Incumbent's commission expired December 19, 1927.

DELAWARE

William H. Evans to be postmaster at Newark, Del., in place of W. H. Evans. Incumbent's commission expires April 26, 1928.

FLORIDA

James A. Zipperer to be postmaster at Madison, Fla., in place of J. A. Zipperer. Incumbent's commission expires April 26, 1928.

GEORGIA

Vera H. Cummings to be postmaster at Warthen, Ga., in place of T. W. Cobb, deceased.

ILLINOIS

Louis A. Luetgert to be postmaster at Elmhurst, Ill., in place of L. A. Luetgert. Incumbent's commission expired January 10, 1927.

William R. Fletcher to be postmaster at Joliet, Ill., in place of H. H. Bolton. Incumbent's commission expired December 19, 1925.

Harold E. Ward to be postmaster at Sterling, Ill., in place of H. H. Ward. Incumbent's commission expires April 26, 1928.

Ira D. Lakin to be postmaster at Vandalia, Ill., in place of Harry Mabry, deceased.

INDIANA

Harley O. Poor to be postmaster at Etna Green, Ind., in place of W. A. Hatfield, resigned.

IOWA

Claude M. Sullivan to be postmaster at Cherokee, Iowa, in place of C. M. Sullivan. Incumbent's commission expires April 28, 1928.

Orpha M. Bloomer to be postmaster at Havelock, Iowa, in place of O. M. Bloomer. Incumbent's commission expires April 28, 1928.

Wilbert W. Clover to be postmaster at Lohrville, Iowa, in place of W. W. Clover. Incumbent's commission expires April 28, 1928.

Loys E. Couch to be postmaster at Newell, Iowa, in place of L. E. Couch. Incumbent's commission expires April 26, 1928.

KANSAS

Myron Johnson to be postmaster at Oakley, Kans., in place of Myron Johnson. Incumbent's commission expires April 25, 1928.

KENTUCKY

James A. Hargan to be postmaster at Camp Knox, Ky., in place of J. A. Hargan. Incumbent's commission expired January 17, 1928.

Sam H. Fisher to be postmaster at McRoberts, Ky., in place of S. H. Fisher. Incumbent's commission expired March 1, 1928.

Edward B. Ray to be postmaster at Canmer, Ky. Office became presidential July 1, 1927.

MAINE

Ralph A. Bessey to be postmaster at Canton, Me., in place of D. A. Bisbee, removed.

MINNESOTA

Albert J. Schroeder to be postmaster at Holdingford, Minn., in place of A. J. Schroeder. Incumbent's commission expired December 19, 1927.

MISSISSIPPI

John B. Going to be postmaster at Calhoun City, Miss., in place of J. J. Hiller, deceased.

MISSOURI

John M. Mathes to be postmaster at Aurora, Mo., in place of M. B. Gardner. Incumbent's commission expired January 17, 1926.

Charles F. McKay to be postmaster at Knox City, Mo., in place of C. F. McKay. Incumbent's commission expired January 28, 1928.

Edward F. Walden to be postmaster at Morehouse, Mo., in place of E. F. Walden. Incumbent's commission expired January 14, 1928.

Frank L. Mertsheimer to be postmaster at Pleasant Hill, Mo., in place of J. F. Hooley. Incumbent's commission expired January 15, 1928.

NEBRASKA

Milton R. Cox to be postmaster at Arapahoe, Nebr., in place of M. R. Cox. Incumbent's commission expires April 25, 1928.
Arvid S. Samuelson to be postmaster at Axtell, Nebr., in place of A. S. Samuelson. Incumbent's commission expires April 25, 1928.

Walter G. Mangold to be postmaster at Bennington, Nebr., in place of W. G. Mangold. Incumbent's commission expires April 28, 1928.

Robert J. Boyd to be postmaster at Trenton, Nebr., in place of R. J. Boyd. Incumbent's commission expired April 3, 1928.

NEW HAMPSHIRE

Fred W. Smith to be postmaster at North Woodstock, N. H., in place of F. W. Smith. Incumbent's commission expired January 30, 1927.

NEW JERSEY

Raymond Johnson to be postmaster at Riverside, N. J., in place of L. C. Pine. Incumbent's commission expired January 31, 1928.

G. Raymond Beck to be postmaster at Roebbing, N. J., in place of G. R. Beck. Incumbent's commission expires April 25, 1928.

Alfred T. Kent to be postmaster at Summit, N. J., in place of A. T. Kent. Incumbent's commission expired April 15, 1928.

William M. Matthews to be postmaster at Berlin, N. J., in place of F. D. Matteson, deceased.

NORTH CAROLINA

Annie L. Stanton to be postmaster at Stantonburg, N. C., in place of A. L. Stanton. Incumbent's commission expires April 28, 1928.

OHIO

Michael J. Meek to be postmaster at McDonald, Ohio, in place of M. J. Meek. Incumbent's commission expires April 28, 1928.

Harry L. McClarran to be postmaster at Wooster, Ohio, in place of H. L. McClarran. Incumbent's commission expires April 25, 1928.

PENNSYLVANIA

Gertrude Klinefelter to be postmaster at Jonestown, Pa., in place of Gertrude Klinefelter. Incumbent's commission expires April 26, 1928.

Albert A. Campbell to be postmaster at Zelienople, Pa., in place of V. F. Eichholtz. Incumbent's commission expired January 22, 1928.

SOUTH DAKOTA

Floyd Twamley to be postmaster at Alexandria, S. Dak., in place of Floyd Twamley. Incumbent's commission expires April 26, 1928.

Phillip S. Feldmeyer to be postmaster at Garden City, S. Dak., in place of P. S. Feldmeyer. Incumbent's commission expired August 30, 1926.

Clarence Mork to be postmaster at Pierpont, S. Dak., in place of Clarence Mork. Incumbent's commission expired November 22, 1925.

John W. Rydell to be postmaster at Rosholt, S. Dak., in place of J. W. Rydell. Incumbent's commission expired December 18, 1927.

Carl O. Steen to be postmaster at Veblen, S. Dak., in place of C. O. Steen. Incumbent's commission expired April 21, 1928.

TENNESSEE

James F. Toney, jr., to be postmaster at Erwin, Tenn., in place of J. F. Toney, jr. Incumbent's commission expired April 22, 1928.

Alice L. Needham to be postmaster at Trimble, Tenn., in place of A. L. Needham. Incumbent's commission expired April 22, 1928.

TEXAS

Sol D. Smith to be postmaster at Granbury, Tex., in place of S. D. Smith. Incumbent's commission expires April 28, 1928.

Olive Raoul to be postmaster at Gustine, Tex., in place of Olive Raoul. Incumbent's commission expired April 3, 1928.

Daniel B. Gilmore to be postmaster at McGregor, Tex., in place of D. B. Gilmore. Incumbent's commission expired February 8, 1927.

Duane B. Scarborough to be postmaster at Oakwood, Tex., in place of D. B. Scarborough. Incumbent's commission expires April 28, 1928.

Thomas B. Higgins to be postmaster at Reagan, Tex., in place of T. B. Higgins. Incumbent's commission expires April 28, 1928.

Jesse L. Holcomb to be postmaster at Seminary Hill, Tex., in place of H. L. Cullender. Incumbent's commission expired December 19, 1927.

Clarence V. McMahan to be postmaster at Waco, Tex., in place of C. V. McMahan. Incumbent's commission expires April 28, 1928.

Homer H. Turner to be postmaster at Rockdale, Tex., in place of E. I. Wade, deceased.

Alice Pipes to be postmaster at White Deer, Tex., in place of Harry Wheeler, resigned.

UTAH

Edward J. Young, jr., to be postmaster at Vernal, Utah, in place of E. J. Young, jr. Incumbent's commission expired April 15, 1928.

VIRGINIA

Elroy Shelor to be postmaster at Meadows of Dan, Va., in place of Elroy Shelor. Incumbent's commission expired February 8, 1928.

Hansbrough Hannah to be postmaster at Natural Bridge, Va. Office became presidential July 1, 1927.

Richard F. Hicks to be postmaster at Schuyler, Va., in place of A. E. Coppe, resigned.

WISCONSIN

George L. Harrington to be postmaster at Elkhorn, Wis., in place of S. C. Goff. Incumbent's commission expired January 7, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 24 (legislative day of April 20), 1928

SURVEYOR OF CUSTOMS

John H. Cunningham to be surveyor of customs, district No. 13, Baltimore, Md.

POSTMASTERS

CALIFORNIA

Curtis C. Maltman, El Monte.
Harry H. Chapman, Hornbrook.
Mary S. Rutherford, Truckee.

COLORADO

Charles E. Baer, Steamboat Springs.

KANSAS

Anna Smith, Moundridge.

MASSACHUSETTS

John R. Walsh, Topsfield.

MISSISSIPPI

James C. Ellis, Bucatunna.

MISSOURI

Henry P. Hughes, Everton.

NEBRASKA

Charles McCray, Merriman.

WISCONSIN

Ernest P. G. Schlerf, Oshkosh.

HOUSE OF REPRESENTATIVES

TUESDAY, April 24, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy Spirit, faithful guide, in the quiet of these moments may our relationship be solemnized. The language of our breath is "Holy, holy, holy!" Forbid that we should ever take Thy name in vain, the only name in heaven and earth. Clothe us with the garment of strength without the sense of toil and with the spirit of service without the sense of hardship. Dwell in all our hearts, so there shall be a union of might and weakness, of day and night, and then our human frailties shall be blessed with power divine. Lift up our whole country and strengthen it in peace and concord. O sun of righteousness, arise with healing in Thy beams, for there are so many waiting for Thy touch. When the day closes, turn weariness into relaxation and give the blessing of rest. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate disagrees to the amendment of the House of Representatives to the bill (S. 1648) entitled "An act for the relief of Oliver C. Macey and Marguerite Macey," requests a conference with the House on the disagreeing

votes of the two Houses thereon, and appoints Mr. HOWELL, Mr. NYE, and Mr. BAYARD to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3808. An act to authorize the construction of a temporary railroad bridge across Bogue Chitto River at or near a point in township 5 south, range 13 east, St. Helena meridian, St. Tammany Parish, La.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was presented to the House of Representatives by Mr. Latta, one of his secretaries, who also announced that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On April 11, 1928:

H. R. 328. An act to relieve the Territory of Alaska from the necessity of filing bonds or security in legal proceedings in which such Territory is interested;

H. R. 343. An act to amend section 128, subdivision (b), paragraph 1, of the Judicial Code as amended February 13, 1925, relating to appeals from district courts;

H. R. 359. An act authorizing the presentation of the iron gates in West Executive Avenue between the grounds of the State, War, and Navy Building and the White House to the Ohio State Archaeological and Historical Society for the memorial gateways into the Spiegel Grove State Park;

H. R. 5075. An act for the relief of W. J. Bryson;

H. R. 5923. An act for the relief of the Sanitarium Co., of Portland, Oreg.;

H. R. 6993. An act authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi;

H. R. 7463. An act amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims";

H. R. 8725. An act to amend section 224 of the Judicial Code; and

H. R. 10483. An act to revise the boundary of a portion of the Hawaii National Park on the island of Hawaii in the Territory of Hawaii.

On April 12, 1928:

H. R. 333. An act authorizing the sale of certain lands near Seward, Alaska, for use in connection with the Jesse Lee Home;

H. R. 465. An act to authorize the city of Oklahoma City, Okla., to sell certain public squares situated therein;

H. R. 1997. An act for the relief of Clifford J. Turner;

H. R. 4125. An act for the relief of Holger M. Trandum; and

H. R. 11579. An act relating to investigation of new uses of cotton;

On April 13, 1928:

H. R. 3315. An act for the relief of Charles A. Black, alias Angus Black;

H. R. 5545. An act granting certain lands to the State of California;

H. R. 8499. An act for the relief of Arthur C. Lueder;

H. R. 9118. An act for the relief of William C. Braasch; and

H. R. 10563. An act extending the provisions of the recreational act of June 14, 1926 (44 Stat. L. 741), to former Oregon & California Railroad and Coos Bay Wagon Road grant lands in the State of Oregon.

On April 16, 1928:

H. R. 405. An act providing for horticultural experiment and demonstration work in the southern Great Plains area;

H. R. 5590. An act to authorize appropriations for construction of culverts and trestles in connection with the camp railroad at Camp McClellan, Ala.;

H. R. 5817. An act to provide for the paving of the Government road extending from St. Elmo, Tenn., to Rossville, Ga.; and

H. R. 9829. An act to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands."

On April 18, 1928:

H. R. 10884. An act to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods, concluded on the 24th day of February, 1925," approved May 22, 1926.

On April 19, 1928:

H. R. 4702. An act for the relief of Benjamin S. McHenry, alias Henry Benjamin;

H. R. 7191. An act to authorize the Secretary of Commerce to convey certain land in Cook County, Ill., to the Chicago & West-

ern Indiana Railroad Co., its successors or assigns, under certain conditions;

H. R. 7908. An act to authorize the granting of leave to veterans of the Spanish-American War to attend the annual convention of the United Spanish War Veterans and auxiliary in Habana, Cuba, in 1928; and

H. R. 10540. An act to credit retired commissioned officers of the Coast Guard with active duty during the World War performed since retirement.

On April 20, 1928:

H. R. 3510. An act to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920;

H. R. 5687. An act authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes;

H. R. 5721. An act authorizing J. C. Norris, as mayor of the city of Augusta, Ky., his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky.;

H. R. 6360. An act for the relief of Edward S. Lathrop;

H. R. 8650. An act for the relief of C. S. Winans;

H. R. 10564. An act to authorize the Secretary of War to grant and convey to the county of Warren a perpetual easement for public highway purposes over and upon a portion of the Vicksburg National Military Park, in the State of Mississippi;

H. R. 10932. An act for the relief of the widows of certain Foreign Service officers; and

H. J. Res. 118. Joint resolution authorizing the Secretary of War to award a duplicate Congressional Medal of Honor to Lieut. Col. William J. Sperry.

On April 21, 1928:

H. R. 242. An act to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized;

H. R. 350. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.;

H. R. 475. An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act;

H. R. 1530. An act for the relief of William F. Wheeler;

H. R. 1970. An act for the relief of Dennis W. Scott;

H. R. 2294. An act for the relief George H. Gilbert;

H. R. 6431. An act for the relief of Lewis H. Easterly;

H. R. 7011. An act to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of said State;

H. R. 8309. An act to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923;

H. R. 8915. An act to provide for the detention of fugitives apprehended in the District of Columbia;

H. R. 8983. An act for the relief of William G. Beaty, deceased;

H. R. 9365. An act to legalize a bridge across the St. Francis River at Marked Tree, in the county of Poinsett, Ark.;

H. R. 9483. An act to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico; and

H. R. 9830. An act authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls.

On April 23, 1928:

H. R. 431. An act to authorize the payment of certain taxes to Okanogan County, in the State of Washington, and for other purposes;

H. R. 852. An act authorizing the issuance of a certain patent;

H. R. 1588. An act for the relief of Louis H. Harmon;

H. R. 6990. An act to authorize appropriations for construction of the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., and for other purposes;

H. R. 7223. An act to add certain lands to the Gunnison National Forest, Colo.;

H. R. 7518. An act for the relief of the Farmers National Bank of Danville, Ky.;

H. R. 8651. An act for the relief of Lynn W. Franklin;

H. R. 8724. An act granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8733. An act granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8734. An act granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city;

H. R. 9902. An act for the relief of James A. DeLoach;

H. R. 11203. An act granting the consent of Congress to the counties to Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River at or near the present Jacksonville ferry in Telfair and Coffee Counties, Ga.;

H. R. 11762. An act to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.; and

H. R. 11887. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr.

On April 24, 1928:

H. R. 11404. An act authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.

FLOOD CONTROL

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that I may proceed for not more than five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker and gentlemen, yesterday afternoon I introduced an amendment to the flood control bill which provided that when southern Illinois and southeastern Missouri and New Orleans assumed the responsibility of relieving the Government of any damages by reason of the work of construction which the Government was about to enter upon, then the work would proceed under the bill which we are considering. The House rejected this amendment.

Since then I have talked with the President, who says he will not insist upon the conditions laid down in the amendment which I proposed to the committee, and therefore I want to state to the House, in all good conscience, I have no valid reason that I know of for voting against the bill, and I propose to vote for it. [Applause.]

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. DICKINSON of Iowa, WASON, SUMMERS of Washington, BUCHANAN, and SANDLIN.

ADDRESS OF HON. J. WILL TAYLOR, OF TENNESSEE

Mr. BROWNING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered over the radio last evening here in Washington by my colleague, the gentleman from Tennessee, Hon. J. WILL TAYLOR, on the subject of immigration.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BROWNING. Mr. Speaker, under leave granted me to extend my remarks I submit the speech delivered on last evening, April 23, over station WTFF, of Washington, by my colleague, Hon. J. WILL TAYLOR, Member of Congress from the second Tennessee district. Mr. TAYLOR is ranking majority member of the Immigration Committee of the House, and has been on that committee for 10 years. He has made a thorough, intelligent, and devoted study of this all-important American question. His position is sound and patriotic.

The address is as follows:

IMMIGRATION

My friends of the air, at the outset please permit me to acknowledge my appreciation to my good friend and former colleague, Hon. Charles I. Stengle, of New York, for the high privilege of speaking to you who may be listening in this evening on a subject to which I have devoted a large part of my legislative career, and a subject which is of vital importance to every man, woman, and child in America as well as to their posterity—the subject of foreign immigration. During the past 10 years as a member of the Immigration Committee of the House of Representatives I have had a rare opportunity to study this great problem first hand, as well as the privilege to participate in the efforts that have been made during that period to solve it.

In my judgment the proposition that confronts every citizen, and particularly every man in public life, is how the course of to-day's events can be the better molded to insure the peace and perpetuity of this great country and the marvelously designed republican form of government which has contributed so much to the happiness, comfort, and prosperity of us all. Every patriotic American wants to do what he can to help keep the Stars and Stripes aloft, to maintain unsullied the honor and integrity of the Nation with its wonderful institutions, and above all to preserve our country in material and spiritual health to the end that the benefits and blessings of free government may be transmitted in undiminished vigor to generations to come.

The dominant question is how can we best preserve and perpetuate this America of ours?

There are a number of things that we can do, but as I contemplate the panorama of social and economic problems which even to-day after many years of consideration remain unsolved; and as I recall the various policies of government which have challenged discussion throughout our history, I become more and more convinced that the keystone of American perpetuity—the most signal and important single achievement of American statesmanship in recent years are those legislative enactments providing for restriction and selection in the immigration of aliens.

When our country was young, when farms were exchanged for a hunting knife or a flint-rock rifle, when our natural resources called to the world for development, it was natural that we should welcome people from all corners of the earth to come and help us build a new nation. At that time we could not with practicality impose conditions or qualifications on those who were disposed to cast their lot among us. But now the situation has changed. To-day we have no free lands to allot. We have no surplus of natural resources for development. We have no under-manned industries. These United States which counted only a few millions of hardy pioneers along the Atlantic seaboard now number 115,000,000 souls scattered from coast to coast, from the Arctic Circle to the islands of the seas. Our lands have been occupied. Hamlets have become villages, towns have grown into cities, and our great metropolitan centers now number their inhabitants by the millions. The problem of to-day is to find room and occupation, housing facilities, food, clothing, entertainment, equipment, education, and transportation for this teeming, busy population.

With this tremendous growth in numbers have come changes in every industry known to the genius and ingenuity of man. A century ago the steam engine began to displace the power of hand and horse, water and wind. The steam engine still has its function, but only in the past generation we have noted the development of the internal-combustion engine and the electric motor. To-day the employment of electricity is rapidly superseding man power and transforming automatically the lives of the people. It would be presumptuous for me to recount to you the myriad articles that are made by electricity or the part that electric power plays in industry.

What is the significance of this marvelous growth of machine power, and what will be its consequences?

For one thing, of course, it means comforts and luxuries for all of us such as our sires and our grandsires in their wildest vagaries never dreamed. But in another aspect, it means the most momentous readjustments and transformations in the lives of all who labor. Machinery has taken the place of human hands in every avenue of industry. We are told that in the great steel mills there are mechanical devices to-day which do the work for which it was formerly necessary to employ as many as 200 men. Machines do not eat. They wear no apparel. They do not require homes, or household goods, rest and recreation, or doctors, or movie shows. They produce but they do not consume, and from that source springs one of our greatest difficulties.

This is the social and economic condition which your representatives in Congress began to sense nearly a generation ago. As a matter of fact, at the very beginning of our Government and intermittently since there has from time to time arisen complaint against the admission of foreign people. But it was only toward the close of the nineteenth century, when foreigners began to come to our shores at the rate of nearly a half million a year, and when modern machinery began to make itself felt in industry that the necessity for some protection to the working people of the United States became apparent and imperative.

From 1890 to 1900 more than three and one-half million aliens were landed on our shores, and from 1901 to 1910 the total alien influx was approximately nine millions. In 1914, and again in 1917, President Wilson vetoed new exclusion bills, each containing a "literacy test" and the hordes from abroad continued to jam our ports demanding admittance. Of course, during the great World War immigration from continental Europe was necessarily greatly curtailed; but at the close of the struggle, due to chaotic conditions in Europe, the tide of immigration to America was renewed with increased volume and momentum.

The great steamship companies of the world began to vie with each other in commercial rivalry to see which could deliver the greatest

number from abroad regardless of their qualifications for American citizenship. It soon became obvious to everybody that unless something was done to arrest this terrible tide that America would soon become the dumping ground and the melting pot for the offcast of all Europe. Under the leadership of the late Representative John L. Burnett, of Alabama, then chairman of the Committee on Immigration of the House, we had already passed the act of 1917, which undertook to bar the indigent, the criminal, the insane, the diseased, the illiterate, and the anarchistic classes, but this would not begin to stem the tide. The temporary quota law of 1921 was thereupon enacted, but it proved to be a mere stop-gap. It was imperfect from an administrative standpoint, contained many exceptions and exemptions, and was susceptible to all sorts of easy evasions. The inevitable result was that within two years following its enactment the tide of immigration began to mount again. In the year before it became effective the gross admissions exceeded 800,000. In the first year of its operation they were reduced to 300,000. The second year they crossed the half million mark, and in the third year they went over 700,000.

Patriotic organizations throughout the country many of which for years previous had been agitating this question became still more active and insistent, and more tenaciously besieged and besought Congress to take some drastic step to save America from this great menace. Conspicuous among those organizations was the Junior Order United American Mechanics. In a speech delivered in the House of Representatives on April 8, 1924, I took occasion to call public attention to the magnificent work performed by this splendid order in awakening the public conscience of America to the dangers of unrestricted foreign immigration. I said then, and I repeat to-night, that for the patriotic and unselfish service which this stalwart organization has rendered to the cause of Americanism it has earned and will deserve, and undoubtedly will receive the everlasting gratitude of the American people. Largely as result of this agitation the 1921 temporary quota was perfected by the enactment of what is now known as the Johnson-Reed Immigration Act, which became effective July 1, 1924. This act is based upon a 2 per cent quota of the foreign-born population of the United States, according to the census of 1890, and admits of an aggregate quota of only 164,667. It possesses a sentimental appeal, inasmuch as the largest quotas are from the countries of northern and western Europe, from which most of our ancestors came.

While taking a just pride in the progress that has been made in the solution of our immigration question, those directly responsible therefor admit that the good work has not yet been finished. They expect, however, to continue the fight until Old Glory and our free institutions are amply safeguarded against any baleful influence from abroad.

I should feel indeed derelict in my duty if, in passing, I did not pay just tribute to the Republican Congress which passed the immigration act of 1924, to the leaders, Representative ALBERT JOHNSON, of Washington, and Senator DAVID REED, of Pennsylvania, who sponsored it, and to our great President, Calvin Coolidge, who made it a law by his signature.

In conclusion, my friends of the air, I submit that our immigration legislation was born largely of the spirit of that celebrated poem written by Aldrich, which, in my judgment, is most apropos at this time:

"O Liberty, white goddess, is it well
To leave the gates unguarded? On thy breast
Fold sorrow's children; soothe the hearts of fate.
Lift the downtrodden, but with hand of steel
Stay those who to thy sacred portals come
To waste the gifts of freedom. Have a care
Lest from thy brow the clustered stars be torn
And trampled in the dust. For so of old
The thronging Goth and vandal trampled Rome,
And where the temples of the Cæsars stood
The lean wolf, unmolested, made her lair."

EQUALIZATION FEES

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of equalization fees.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANKFORD. Mr. Speaker, I reintroduced in the House to-day the McNary farm relief bill as it passed the Senate, with proposed changes as to the equalization fee, so that in case of tobacco no fee could be levied on the sale or transportation of leaf tobacco, but, if at all, only on the sale or transportation of cigarettes, cigars, and smoking tobacco, and as to livestock and grain so as not to be on the transportation except "in wholesale or carload lots by common carrier for delivery in interstate commerce."

My new bill would also repeal all Federal taxes or licenses now of force on tobacco in all forms whatsoever.

I am reintroducing the Senate bill with these changes, not because I favor the Senate bill in its entirety, but in order to suggest these amendments in an effort to make less offensive and burdensome the greatly criticized equalization fee as to tobacco, livestock, and grain.

The equalization fee in the provisions of the Senate bill as to other commodities is in splendid shape, if there is to be any equalization fee at all.

I seek to repeal all other taxes on tobaccos in any form. If this is done I am confident there will never be need for an equalization fee in behalf of the farmers greater than is now actually levied on tobaccos as a tax for general purposes. I purposely left chewing tobacco out of the list on which an equalization fee might be levied, as this form of tobacco has been taxed ever since the Civil War, and in all fairness should now be relieved of all tax burdens.

PRESENTATION OF MEMORIALS AND RESOLUTIONS

Mr. SEARS of Nebraska. Mr. Speaker, I ask unanimous consent to present about 50 memorials and resolutions from chambers of commerce of various cities in Nebraska in reference to flood control and the conserving of the waters of certain rivers near their source.

The SPEAKER. The gentleman does not need the consent of the House to present the resolutions.

WILLAMETTE AND COLUMBIA RIVER CHANNEL PROJECT

Mr. KORELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Columbia River Channel and to include therein some quotations from the hearings before the committee considering the project.

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. KORELL. Mr. Speaker and Members of the House, it is frequently stated that the demands for transportation facilities are regulated largely, if not entirely, by the productive capacity of the farms, factories, forests, and mines of the various communities and sections of the United States. Whenever local production exceeds the immediate consumptive needs of a particular community or section there is a necessity for the quick exportation of the excess in order to avoid the curtailment of production, financial depression, unemployment, and all the disastrous consequences that inevitably follow in the wake of these highly undesirable conditions.

It appears idle to add to this statement any mention of the fact that a shortage in local production must be made up by importing sufficient of the deficient commodities to take care of local consumptive needs. Accordingly, if the cost of exportation should become so high that it will prevent local producers from competing successfully in distant and foreign markets local production will be retarded as effectively as if the excess production could not be moved at all. On the other hand, when the cost of importation becomes unreasonable local purchases decline and the trade of distant communities and sections falls off. Obviously, therefore, every extra charge that is added to the cost of transportation is a serious and actual menace to both producer and consumer. Moreover, freight rates have a direct bearing upon the cost of living in the United States and are reflected in the general prosperity and welfare of our country. In view of the ever present and vitally important need of having adequate transportation facilities everywhere in the United States to meet the reasonable and varying requirements of the different communities and sections of the country, I believe that a few words, at this time and in this connection, about the Willamette and Columbia River channel project, which has been recommended by the Board of Army Engineers and received the approval of the House Committee on Rivers and Harbors will be timely and appropriate. Before commenting upon the details of this particular project however, I will ask for your indulgence to a few brief remarks about the importance of river and harbor work generally throughout the United States.

On account of the broad expanse of our country, the great distance between its various communities and sections and the vast oceans which lie on either side and between us and the great foreign markets of the world, the problem of establishing and maintaining adequate transportation facilities throughout the United States to handle our domestic and foreign commerce has taken on a national aspect and has made the subject of transportation a great and absorbing national problem. It is a public matter of paramount interest to the American people, and one that has received, and must continue to receive, the

most careful attention and study by Congress. I am delighted to see the interest that has been manifested by the present session in several of the most important phases of transportation, particularly in the acquisition and maintenance of an adequate merchant marine.

Much progress has been made to date in the development of various methods of transportation by land, air, and water. In the lifetime of many now living the continent on which we live has been spanned with hoops of steel rails over which the commerce of the Nation moves daily with speed and reasonable economy. During recent years hard-surface roads have been constructed in practically every State in the Union. Good intrastate market roads are to be found almost everywhere. The Government is now engaged in building a wonderful network of main highways to connect up with the principal State and county roads all over the United States. Again, at the present time several Government departments are occupied with the work of laying out and establishing air-mail routes. Passenger, mail, and express are now being carried from city to city on the wings of the wind. Lindbergh and other daring aviators have opened the eyes of America to the possibilities of aerial transportation. Both land and air transportation have been liberally encouraged and generously supported by Congress. Before the combined progress of rail, motor, and airplane transportation the distances on our continent are being rapidly reduced and time greatly conserved.

Notwithstanding the unprecedented progress of rail, motor, and airplane transportation methods which are steadily bringing the remote communities and sections of our wonderful country into closer, more intimate, and cordial relations with each other there are certain inherent limitations in each of these methods which make for the establishment of minimum charges below which freight rates can not drop and savings can not be effected on the cost of transportation. It is also impossible to handle our rapidly growing foreign commerce by any one of these methods. The lowest freight rates must be attained and the maximum savings in the cost of transportation effected through the further development and enlargement of our water-borne commerce. Ships have been and will continue to be the only practical means by which we can carry our exports abroad. These considerations account for the renewed interest in shipping and river and harbor development work. They are also the explanation of the agitation for an American merchant marine during recent sessions of Congress.

Since the construction of the Panama Canal and particularly since the conclusion of the World War, the opportunity for greater reductions in freight rates through the further development and increase of our water-borne commerce has become more and more apparent to the American people. The idea of increasing our national prosperity through saving on the cost of transportation is now generally accepted and may at this time be said to be definitely established. The extent of the development that has already been made in our intercoastal trade through the Panama Canal has been remarkable. To meet the constantly increasing demands that are being made upon them, the steamship lines engaged in carrying this class of commerce are racing at this very minute with each other in an effort to build larger and faster ships. On the other hand the great maritime nations of the world are seeking to capture our foreign trade with speedier and larger vessels which foreign-labor conditions and lower construction costs have so far enabled them to build abroad more rapidly and economically than American capital has been able to build them in the United States. One of the committees of this House recently conducted extended hearings to determine the most satisfactory way to overcome this disparity and to assist in establishing and maintaining an adequate merchant marine flying the American flag. The results of the committee's study and conclusions are now before the House in the form of a well drafted and constructive bill. Incidentally I am glad to see the press of the country give the favorable notices that it has to this very meritorious piece of legislation.

As a consequence of the tremendous savings that are being effected through the rapid growth and expansion of our water-borne commerce, both coastwise and foreign, reflected in the race that is now going on between intercoastal and foreign steamship owners to construct larger and faster vessels, many of our major seaports require deeper and wider channels to accommodate the tonnage that is clearing from them. There is a need to standardize the channel dimensions of all our major seaports so that the larger size ships may enter and clear from them without unreasonable delay or excessive costs. This need is somewhat analogous to that which existed a few years ago for standardizing the rails and rolling-stock equipment of our various railroads. It will not avail the ship operators of either

the Atlantic and Gulf States to build larger and faster vessels to meet the increasing demands of our intercoastal trade if their ships when built will not be able to enter the Pacific coast seaports. The same thing is true with regard to ships of the Pacific ports sailing for Atlantic and Gulf ports. Manifestly this necessity requires a certain uniformity in the width and depth of river channels leading to and from the seaports.

One of the major Pacific coast ports that has experienced large increases to its tonnage by the development of intercoastal shipping and the extension of our foreign trade, principally with the Orient, is the port of Portland, situated on the Columbia River about 100 miles inland from the Pacific Ocean and serving a territory of approximately 259,000 square miles, with about 4,500,000 people. Like many other major seaports the commerce of this particular port has outgrown its present channel dimensions considerably, and there is an imperative need for deepening and widening its channel. I, therefore, take this occasion to bring to your attention an extended statement that I recently made before the Rivers and Harbors Committee of the House, urging the committee's adoption of the recommendation of the Board of Army Engineers for the immediate improvement of the Willamette and Columbia River Channel from Portland to the Pacific Ocean.

The statement is quite comprehensive, and I appreciate the opportunity that has been accorded me of being able to extend it in the Record to supplement and accompany my present remarks on the subject under discussion. For convenience I have inserted several tables to which references were made in the course of making my statement. I have also made one or two corrections of figures. I trust that you will favor me by reading this statement at your leisure and that the merits of the Willamette and Columbia River project will commend it to your favorable consideration when the rivers and harbors bill shall come before you for your vote. I also appreciate your indulgence of my remarks at this time.

The statement is as follows:

STATEMENT OF HON. FRANKLIN F. KORELL, REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

The CHAIRMAN. Mr. KORELL, some of the members have not been there, and if you will take the pointer and show the committee what part of these two rivers are to be improved, and on what terms under this report, then we will start off with our basis.

The CHAIRMAN. Take your own method and your own way, but, as it seems to me, the things that the committee will be interested in are these: First, do the vessels which will carry your traffic need 35 feet; second, is your commerce dense enough so that you need additional width; and, third, are your banks being stabilized there so that your maintenance charges are likely to be lessened, and will this improvement help to stabilize the banks by the excavation of the material and placing it in the form of these dikes which they have been using for stabilizing there?

Mr. KORELL. I will touch on all those matters as I proceed. I will mention some other matters as I go along, so that the record may be complete should anyone wish to inquire about facts that may not appear in the committee's report.

PORTLAND—A RIVER PORT

The port of Portland is situated at the confluence of the Willamette and Columbia Rivers. It is as I have just pointed out to you—a little over 100 miles inland from the Pacific Ocean. It occupies a geographical position somewhat analogous to such major ports as Hamburg, which is 80 miles from the mouth of the Elbe; London, which is 60 miles up the Thames from the North Sea; New Orleans, which is 90 miles above the junction of the Mississippi with the Gulf of Mexico, and Philadelphia, which is 90 miles from the point where the waters of the Delaware River and Bay merge with the waters of the Atlantic Ocean. It is the only fresh-water harbor on the Pacific coast. A list of famous river ports would not be complete unless it includes such ports as Liverpool on the Mersey, Glasgow on the Clyde, Buenos Aires on the Plata, Shanghai on the Yangtze, Havre on the Seine, and Rotterdam on the Rhine. New York on the Hudson is perhaps the most famous of all river ports. The history of all these great shipping centers shows that their elevation as ports is due to the fact that they are at the head of ship navigation on rivers that drain great basins. Judging from comparisons, there is no reason why Portland should not become the equal and even exceed the shipping of many of these important ports. It possesses all of their natural advantages. The mouth of the Columbia River is 610 miles north of San Francisco Harbor and 160 miles south of the Straits of Juan de Fuca.

The port of Portland is reached at the present time by the Willamette and Columbia River Channels, which the Government assists in maintaining 30 feet deep and 300 feet wide. It is for the purpose of urging your adoption of the recommendation of the Board of Army Engineers for the improvement, or perhaps I might more properly state, the com-

pletion of plans for the deepening and widening of these two channels that the Oregon delegation has requested and obtained the privilege of appearing before you this morning. Before I proceed further I want to express our thanks for your favor in indulging us with the courtesy of an early hearing. I am confident that you will give our project your very careful consideration and that such consideration can not do otherwise than commend it to you.

RECOMMENDATION OF ARMY ENGINEERS

Briefly summarized, the recommendation of the Board of Army Engineers, approved by the War Department, is that the present channels of the Willamette and Columbia Rivers should be deepened to a depth of 35 feet and widened to a depth of 500 feet for their entire length. The recommendation is accompanied by a report, signed by Maj. Gen. Edgar Jadwin, Chief of Army Engineers. I have a copy of this report at hand and will read a few excerpts from it:

"A large and important commerce has developed on the Columbia and lower Willamette Rivers, due in great measure to the efforts of Portland and the expenditure by that locality of some \$25,000,000 on channel improvement and on construction of terminal facilities.

"The extent of this cooperation demonstrates the belief of the people of Portland in the future of their port and indicates the energy and earnestness with which they may be expected to work in the future for further growth and expansion of business."

Mr. McDUFFIE. You say you spent \$25,000,000 on channel improvement and terminals. What percentage was spent for the channel improvement?

Mr. KORELL. Approximately \$10,000,000 for channel improvement work, and approximately \$15,000,000 for harbor improvement facilities. The figures furnished to me by the ports engineer are as follows:

On river entrance.....	\$475,000.00
Dredging and similar work.....	10,510,912.35
For other purposes incidental to above.....	5,166,333.53
Public docks.....	10,000,000.00
Total.....	26,152,245.88

The Government expenditures are:

Amount expended on all projects to June 30, 1927, after deducting receipts from sales, etc., amounting to \$81,025.24:

New work.....	\$3,550,332.97
Maintenance.....	6,232,620.49

Net total expended..... 9,782,962.46

Total appropriations and contributions to June 30, 1927..... 10,223,343.06

The CHAIRMAN. They have, as you will remember, Congressman McDUFFIE, what was two years ago the largest dredge in the world, as I understood.

Mr. KORELL. That is a fact.

The CHAIRMAN. That worked just below Portland.

Mr. KORELL (reading):

"The utilization which is being made of existing channels is shown by the size of vessels now entering the port. The number drawing 28 feet and over was 196 in 1926, while in 1924 it was only 72."

The CHAIRMAN. How many of these were oil tankers and how many carriers of other cargo?

Mr. KORELL. I think practically all of those were carriers of cargo other than oil tankers, but the engineer, General Deakyne, is here, and if he doesn't have the figures you have asked for I can present them to the committee later on. I don't have the exact number now.

LARGE VESSELS CLEAR PORT

The CHAIRMAN. What percentage of the commerce, which I understand to be 7,000,000 tons, was carried in vessels above 28-foot draft, and what percentage in vessels of less draft?

Mr. KORELL. I do not carry those figures in my mind.

The CHAIRMAN. Here is the statement in the annual report, part 2, page 855:

Trips and drafts of vessels
OCEAN GOING

Draft (feet)	Inbound—				Outbound—			
	Steamers	Motor vessels	Sailing	Barges	Steamers	Motor vessels	Sailing	Barges
31 to 32.....					2			
30 to 31.....	1				5			
29 to 30.....	3	2			14	1		
28 to 29.....	39	6			24	3		
27 to 28.....	34	2			54	6		
26 to 27.....	45	7			73	9		
25 to 26.....	34	11			80	13		
20 to 25.....	294	60		4	510	77	2	
15 to 20.....	888	65	6		674	45	5	3
10 to 15.....	238	17	2		143	12		1
Total.....	1,576	170	8	4	1,579	169	8	4

Mr. McDUFFIE. That is for the year 1926. Then, according to that statement, they do not have a vessel drawing over 32 feet.

The CHAIRMAN. There was no vessel above 31 feet inbound, and only two vessels outbound.

Mr. CARTER. How much water is there now?

The CHAIRMAN. Thirty feet.

Mr. CARTER. Then how could you expect them to have vessels over 30-foot draft?

The CHAIRMAN. This only has a bearing, Congressman CARTER, on the question asked, which is whether the vessels, not alone those that are there now, but those that come in, would need that added depth.

Mr. MORGAN. I assume there is a very heavy current on the river and it silts very rapidly.

The CHAIRMAN. The river silts very rapidly. It is very difficult of maintenance.

Mr. HOUSTON. Mr. Chairman, have you any data as to the vessels drawing over 32 feet operating in and out of the Pacific ports?

The CHAIRMAN. Yes; I think we can get that very easily. All we have to do is to look at San Francisco and Los Angeles.

Mr. McDUFFIE. There were five vessels that draw over 30 feet, and two, 31 feet to 32 feet. They have an 8-foot tide at the mouth and about 3 feet at Portland.

Mr. CARTER. And a 30-foot channel would give them only 33 feet. Of course that is a very difficult channel, with 33 feet of water. It is difficult to navigate, drawing 32 feet.

Mr. KORELL. I have the exact figures, taken from the report of the Chief of Engineers of the United States Army for 1927. It shows a total of 469 of the larger-sized vessels entering and clearing from the port.

The CHAIRMAN. What page?

Mr. KORELL. Page 1673.

The CHAIRMAN. Of volume 2?

Mr. KORELL. Of volume 1. They were divided as follows: Eight vessels of 30 feet to 32 feet; 20 vessels 29 to 30 feet; 168 vessels of 27 feet to 29 feet; 273 vessels of 25 feet to 27 feet.

The CHAIRMAN. Now, this is pretty important, and which you do not state: "About 65 per cent of the total commerce moved in vessels which require the full project depth." I think that statement on pages 1672 and 1673 shows the situation. I don't know exactly how to reconcile that, however, with the statement at the top of page 855, General Deakne.

Mr. McDUFFIE. Mr. Chairman, that probably would depend upon the construction of the language there, "using the full project depth." What in their opinion would be a vessel using the full project depth?

Mr. CARTER. A vessel drawing 30 feet or more.

Mr. MORGAN. Well, it does not because the river silts pretty badly there.

General DEAKNE. They have had floods up there, and when the water comes down it silts so badly that the full depth is not available until a little dredging is done.

The CHAIRMAN. That is not what I am calling attention to. I can not reconcile the two statements, the one at page 855 of volume 2, which purports to give the trips and depth and draft of vessels and which would show almost no vessels of the larger size, and a statement at pages 1672-1673 of volume 1, which shows that practically all of the commerce was carried in vessels of the deeper draft. How do you reconcile those two?

General DEAKNE. On page 855 it shows seven vessels outbound drawing between 30 and 32 feet. That compares with eight vessels on page 1673. One inbound would make the eight.

The CHAIRMAN. Well, it may be that those will add up to that. They don't seem to, though.

General DEAKNE. Then, you have 5 inbound and 15 outbound from 29 feet to 30 feet, and that adds up 20, which is the same as is given on page 1673.

Mr. McDUFFIE. General, what makes the difference in the number between the inbound and the outbound vessels? Of course, the inbound went out. They probably didn't stay there.

The CHAIRMAN. Wouldn't it mean this: Aren't there other ports, and isn't that it? Aren't there other ports on these two rivers besides Portland? There is another port up there on the Willamette, isn't there?

General DEAKNE. Well, there is Vancouver, but it doesn't have a deep channel.

The CHAIRMAN. I thought those vessels might clear from another port than Portland.

Mr. HAWLEY. A great many clear at St. Helens and Longview, which are below Portland about 25 and 35 miles.

Mr. MORGAN. These grain elevators are down below, aren't they?

Mr. HAWLEY. St. Helens and Longview are lumber shipping ports?

The CHAIRMAN. Would that be included in the Portland statistics, these lumber ports and St. Helens, or are they above?

General DEAKNE. On the next page is a report on the Willamette River ports other than Portland.

The CHAIRMAN. Well, I think we have clarified it pretty well.

Mr. McDUFFIE. What is the population of Portland?

Mr. KORELL. About 354,000, according to local estimate; not the official census.

Mr. McDUFFIE. Have you got a large shipbuilding industry there?

Mr. KORELL. There has been—

Mr. McDUFFIE. I note you have two very large dry docks, one 10,000 and the other 15,000.

Mr. KORELL. There has been a very considerable amount of shipbuilding there; and, in fact, there is some shipbuilding going on there now. The Government recently let a contract for the construction of three lighthouse vessels, and then there are a number of plants that are making parts—boilers and other equipment for vessels.

Mr. McDUFFIE. Are these shipbuilding plants employed most of the time?

Mr. KORELL. They have been active until recently, but I believe that these three Government vessels are the only ones upon which new construction work is being done at the present time.

The CHAIRMAN. Are they commercial or naval vessels?

Mr. KORELL. They are lighthouse vessels.

Mr. HOUSTON. You have trebled your population, haven't you, in 25 years?

Mr. KORELL. The city is growing by leaps and bounds.

Mr. HOUSTON. My recollection is that about 25 years ago the population was about 90,000 inhabitants.

Mr. McDUFFIE. The shipbuilding business is about on its last legs all over the country.

The CHAIRMAN. What we have in mind is, if this project is acted on favorably it comes before the House, and the natural inquiry on the part of Members is going to be just exactly what I have directed your attention to, to show this added depth is necessary on account of the kind of vessels which will come if you have it, and, second, that the added width is necessary on account either of the density of traffic or because of conditions peculiar to the stream which you can describe. Those two things are your issues?

MAINTENANCE OF ENLARGED CHANNEL

Mr. KORELL. I will take up both of them as I proceed. I was reading from the report of General Deakne when the interrogations started, and I will continue reading just one or two further excerpts from the report:

"The total traffic in ocean carriers in 1926 was more than 1,000,000 tons greater than in 1925, the increase being wholly in the foreign trade.

"From a study of the advantages of a channel of greater depth than that now provided, the district engineer estimates that about \$400,000 per annum might be saved in transportation charges."

The CHAIRMAN. Right there, how much will the added maintenance cost be over the present depth? You ought to have the two together, and then you will show what that means in net results.

Mr. KORELL. It is \$365,000, including the carrying charges. Three hundred and ten thousand dollars is the actual annual maintenance charge.

The CHAIRMAN. About the interest charge. The difference between the estimated savings and the maintenance charge is how much?

Mr. KORELL. The project, as I will show a little later on, will amortize itself at the rate of about \$245,000 a year.

The excerpts I have just quoted from the report of General Jadwin are pertinent. They are in themselves a strong argument for your favorable consideration of the board's recommendation. However, in view of the importance of the project that is before you to the people of Portland and of Oregon and of the Northwest, I would like to say a few words in amplification of the statements of General Jadwin before I attempt to confine myself strictly to the specific questions mentioned by the chairman. First, I want to stress the fact that the producing territory served by the port of Portland is now and for some time past has been supplying a tonnage that entitles it to a better channel to the Pacific Ocean than the present Willamette and Columbia River channels. In other words, I want to emphasize the proposition that we are not asking that the future be unduly anticipated, but merely that the existing needs be reasonably met.

PRODUCING AREA AND PORT FACILITIES

The Columbia River, which forms the boundary between the States of Oregon and Washington, extends its tributaries into the States of Idaho, Montana, and British Columbia. It is the only estuary that pierces the great mountain barriers, separating the inland empire, an area of approximately 259,000 square miles lying east of the mountains from the Pacific Ocean. It is navigable for approximately 300 miles above the city of Portland. The Snake River, its eastern tributary, is navigable for a distance of at least an additional 100 miles. The population of the Columbia River Basin is conservatively estimated to be 4,281,816 people.

The CHAIRMAN. Do you state in your statement how much, if any, commerce comes from east of Portland and through the Snake River or the Columbia or the Willamette? Have you any figures on that?

Mr. KORELL. Practically all the tonnage comes from the territory east of the Willamette River except the lumber, and that clears from the port of Portland. The logs are rafted up the river and cut up

by Portland sawmills. The Willamette River drains the area south of the Columbia.

The CHAIRMAN. In other words, the statement that these streams extend beyond the mountain barrier is important if you have any commerce, and it should be connected up with that?

Mr. KORELL. Yes, sir; I have some figures of the extent of that commerce, and will quote them in a few moments.

The Willamette River, the southern tributary of the Columbia, flows through the world's richest agricultural section. It pours its waters into the Columbia about 99 miles from the sea. The mean range of tide at this point is 2½ feet. That at the mouth of the Columbia is 7½ feet. The city of Portland is the natural gateway of outlet for the products of the Columbia River Basin area. Commerce moves to it from all parts of the inland empire, down the river or on rails, which follow water-level grades.

The port of Portland, which handles all of the commerce moving to the city of Portland, contains 29 miles of harbor frontage. It has 6½ miles of dock, four large municipal terminals completely equipped with the most modern facilities for handling tonnage; also, four powerful dredges, two floating dry docks, a turning basin, and repair plants. There are several shipbuilding yards on the Willamette River. One of these recently received, as I stated in answer to a question a few minutes ago, a contract for the construction of three Government vessels. Fifty-six coastwise and oceanic steamer lines and six railways carry the rapidly growing commerce of the port to all points in the United States and the world's foreign markets.

Mr. McDUFFIE. Did you say there were 56 steamship lines?

Mr. KORELL. Yes, 56 steamship lines. I can give you the names if you wish them.

Mr. McDUFFIE. You need not mind about that. It seemed quite a large number.

Mr. KORELL. In addition to its various other activities, the port of Portland operates a municipal towage service and a traffic bureau. These activities have been of inestimable value in fostering the growth of the city's water-borne commerce.

TONNAGE OF PORT

Some idea of the volume and nature of the shipping now being done by the port of Portland may be gained by the citation of some recent figures compiled by the port's engineer and the Portland Chamber of Commerce; \$277,568,000 was spent for cargoes leaving the port in 1927; \$14,000,000 was spent during the same period for services to ships; 1,687 vessels cleared the port in 1927. I have already given you the number and dimensions of the vessels drawing over 25 feet. The volume of tonnage for 1925 was 5,235,882 tons. For 1926 it was 6,310,459 tons, a gain of over 100,000 tons. The tonnage for 1927, while not at hand, was in excess of all previous years. More wheat was shipped during the eight months of the fiscal year than was shipped during the entire year preceding it. Figures just issued by the Department of Commerce show that the exports of merchandise from Oregon during July, August, and September of 1927, had an aggregate value of \$27,249,901. The corresponding period for 1926 was \$23,378,876, a difference of \$3,846,025. The latest figures (U. S. Shipping Board report D. S. No. 296) put the State in twelfth place as an exporter.

Comparative statement of Portland's water-borne commerce for the calendar years of 1925 and 1926 as noted in volume 2, page 857, Report of the Chief of Engineers, United States Army, 1927

Foreign	Tons	Value
1925		
Inbound.....	122,126	\$14,125,085
Outbound.....	814,568	31,851,530
Domestic.....	3,085,319	195,575,414
Internal river.....	3,748,805	49,746,558
Total.....	7,770,818	291,298,587
1926		
Inbound.....	124,615	12,973,297
Outbound.....	1,661,940	72,379,842
Domestic.....	3,047,539	196,987,517
Internal river.....	3,244,459	47,647,763
Total.....	8,078,553	329,988,419

Portland produces more of the products that it transports than any other port in the United States. This means the world. One-third of all the standing timber in the United States is in the State of Oregon, of which the city of Portland is the outstanding center. The United States is the owner of a very considerable portion of the standing timber. Sixteen per cent of all the grain in the United States is grown in the Northwest. Pulpwood, mohair, flax, fruits, and vegetables are other products produced in large quantities for many basic industries. The agricultural products of the Columbia River Basin are valued at approximately \$700,000,000 a year. Over 58 per cent of all these products are shipped by boat via the port of Portland.

Great as the figures I have cited may appear, they are small compared to what they will be when the millions of acres of land in the

inland empire area now being brought under cultivation by the United States are made productive by irrigation. As the Columbia Basin is settled and developed the products of its mines and forests and farms will grow into a steadily increasing volume of traffic of exports through the port of Portland and down the Willamette and Columbia Rivers to the Pacific Ocean.

PRESENT CHANNEL INADEQUATE FOR EXPANDING COMMERCE

While the commerce of the port of Portland has been steadily increasing, faster and larger ships have been entering and clearing from it. As the size and speed of the ships have increased the need of a deeper and wider channel has grown. The present 30-foot channel, with its width of 300 feet, is not adequate to accommodate vessels entering and clearing the port drawing 28 feet and over. In this connection, I again call your attention to the fact that the report of General Jadwin states that vessels of this character have increased from 72 in 1924 to 196 in 1926. It appears idle to say to the committee that there must be sufficient clearance under the keels of these larger ships to assure their safe passage to and from the port of Portland, that allowance should be made for their clearing the rocks, snags, and sinker logs, which are washed along the river bottoms by winter and summer freshets. Twenty-eight feet is the limit that can venture into a 30-foot channel. Even vessels of this draft must move cautiously. Due consideration must also be given to their squat or the water depression of the two rivers. (With reference to squat, the *President* type of boats used by the Dollar Steamship Co., having a 32-foot draft, develop a squat of 2 feet and 9 inches at 10 knots. An additional 2 feet is required for effective control in steering those vessels.) I assume that the committee is aware that it is a fact that ships have a deeper draft when moving through fresh water than when moving through salt water. Again, a width of 300 feet does not permit of reasonable steaming speed for vessels drawing 28 feet and over. Ships can not pass with safety in such narrow limits. This is especially true in the Willamette and Columbia Rivers, where large log rafts are encountered almost daily. I have taken the following table of project channel dimensions of various harbors from the report of the Chief of Engineers, United States Army, 1925:

Project channel dimensions, various harbors

[From report of Chief of Engineers, United States Army, 1925]

	Project depth	Width
	Feet	Feet
Boston, Mass.	35-40	900-1,500
New York:		
Ambrose Channel.....	40	2,000
Bay Ridge-Red Hook.....	40	1,200
Bayside-Sidney.....	30	1,000
East River to navy yard.....	40	1,000
East River above navy yard.....	35	550-1,600
Hudson River, Ellis Island to Hoboken.....	40	800
New Haven, Conn.....	20	400-1,200
Bridgeport, Conn.....	22	500-1,500
Philadelphia, Delaware River, and Bay.....	35	800-1,200
Baltimore, Chesapeake Bay and Patapsco River.....	35	600-1,000
Norfolk, Va.:		
Hampton Roads to Elizabeth River.....	40	750
Up Elizabeth River 12 miles.....	40	450
Newport News, Va., Hampton Roads up James River.....	35	600
Charleston, S. C., bay and river channel.....	40	1,000
Savannah, Ga., Savannah River, etc.....	30	500
Jacksonville, Fla., St. Johns River.....	30	300-600
Mobile, Ala., Mobile River, etc.....	30	300-450
New Orleans, La., Southwest Pass, Mississippi River.....	35	1,000
San Diego, Calif.....	35	570
Los Angeles:		
Outer Harbor.....	35	1,200
Inner Harbor.....	35	1,000
San Francisco, bar channel only.....	40	2,000
Tacoma, city waterway.....	29	600
Seattle Harbor, east and west waterways.....	34	750

The CHAIRMAN. Which direction are these log rafts moving? Where are they moving from?

Mr. KORELL. Some move up to the city of Portland to be cut up into lumber in sawmills located there; some move from places along the Columbia River, where logs are shot down various chutes or discharged from logging trains into the river and made up into rafts, and then taken out the mouth of the Columbia and towed by boats to other ports.

The CHAIRMAN. What I am trying to develop is this: Whether these log rafts are encountered for the entire distance that it is proposed to deepen to 35 feet or not?

Mr. KORELL. That is a fact; they are encountered not only in the Columbia but in the Willamette River.

The CHAIRMAN. And is that all lumber country? Is that all lumber country, the entire length of this river, so that they are liable to have these rafts come down into the river?

Mr. KORELL. Yes, sir.

The CHAIRMAN. On both sides?

Mr. KORELL. On both sides, and that is also true, as I have stated, to an extent in the Willamette River. (There are 395,000,000,000 feet of

standing timber in Oregon and 282,000,000,000 of standing timber in Washington.)

To maintain the Willamette and Columbia River channels at their present insufficient depth and width will be to exclude the more modern as well as the faster and larger ships from entering and clearing from the port of Portland. This will mean slowing up the movement of traffic and increased freight rates. If the present channel dimensions remain, the producers of the Columbia River Basin will be compelled to stand an unjust burden. As stated by General Jadwin in his report to Congress, about \$609,000 a year can be saved if the channel is deepened and widened. If this amount can be saved, is it just or fair to compel the producers to continue paying it?

The CHAIRMAN. Just a minute. Those are not the figures you have given us?

Mr. KORELL. Those are the figures given in General Jadwin's report.

The CHAIRMAN. That is gross, isn't it? That is not net?

Mr. KORELL. That is the total savings in the way of saving on freight.

The CHAIRMAN. Transportation charges. That is the gross saving. What I would like to have you figure out right in that connection is, taking into account the increased maintenance, how much the net saving will be.

Mr. KORELL. It will be upward of \$200,000 a year. I will submit the exact figures to you in just a minute. I have them here.

The CHAIRMAN. All right.

Mr. KORELL. The available statistics show that the tonnage of the port is increasing at the rate of about 100 per cent every five years. Accordingly, the saving each year from the enlarged channels will increase at approximately the same ratio.

I quote the following extract from the report of General Jadwin on this subject:

"The advantages of a channel depth greater than that provided by the existing project are discussed in detail by the district engineer. The higher value package freight traffic necessitates more rapid and regular movements. Such business is now handled at Pacific ports principally by combination passenger and cargo steamers and by fast freighters operating on regular schedules. Such craft now in service have drafts when fully loaded of from about 30 feet to 32 feet 9 inches. Vessels of this type are unable to enter the Portland trade on account of inadequate channel depths. The district engineer is of the opinion that the use of such vessels in the Portland trade would result in increased tonnage of high-grade imports and an increase of all export business. Such a traffic, together with savings resulting from the use of deeper draft carriers in the oil trade, elimination of delays due to groundings and waiting for favorable conditions to navigate the channel, would result in savings estimated at about \$609,000 per annum. The gradual increase in business of the Northwest and increasing trade with the Orient would still further increase the savings from an enlarged channel."

It is essential to the development of the Columbia River Basin and the prosperity of the entire Northwest that an adequate channel be maintained to permit the quick and economical movement of the products moved to and shipped from the port of Portland. So long as there is an excessive cost in moving such products to the consumers' markets that cost will continue to be reflected and borne by the producers of the inland empire. The delegation believes that the producers of the Columbia River Basin are justified in asking the Government to be placed upon a parity with the producers of other sections. The report of General Jadwin and the recommendation of the Board of Army Engineers recognizes the equity and the necessity of the proposed project. Before I leave this subject I would like to call the attention of the committee to the importance of the development of the Columbia River as a means of transporting supplies in time of war. This is perhaps pertinent to the inquiry—as the War Department exercises jurisdiction over rivers and harbors in the United States.

PROJECT AID TO NATIONAL DEFENSE

In writing about the military advantages of connecting the Great Lakes with the Hudson River and the Atlantic seaboard, under date of March 8, 1926, Secretary of War Davis wrote as follows:

"In general, inland waterways are of military value as a supplement to rail and highway transportation. War frequently makes increased demands on railroads even when these are not located in the theater of operations. Delay caused by congestion of transportation facilities may have a decisive military effect. The availability of waterways to relieve railways at the time of their peak loads is a great military asset."

Needless to say, the argument advanced by the Secretary of War in regard to the particular project mentioned in his letter is applicable with equal force to the project under consideration by the committee at this hearing.

Again, the tendency is constantly toward larger and faster vessels. On this point I quote the following from the report of H. M. Laurie, economist, Bureau of Operations, United States Shipping Board, under date of March 4, 1928:

"The failure of the American merchant marine to carry the major portion of the foreign trade of the United States since 1920, in accordance with the national policy in the merchant marine act of 1920, is due largely to the failure of the Government in providing for the expansion and speedier service necessary to keep pace with the Nation's rapidly increasing foreign trade and to meet the competition of faster foreign-built merchant vessels. And thus, the surrender of the carriage of the foreign trade of the United States by American to foreign-flag ships becomes more complete."

Also the following from the same authority:

"The more active development of our river, lake, and canal systems has been followed by increased water transportation. The existing great need for the cheapest transportation on bulk commodities should expedite the more comprehensive development of our waterway system and that branch of the American merchant marine engaged in transportation on our rivers, lakes, and canals should show an accelerated development."

Of course, it is apparent from all that has been said that if the Atlantic and Gulf ports desire to ship products in vessels suitable to the expeditious and economical handling of their commerce to the Northwest through the port of Portland, the channel from the Pacific Ocean to the port of Portland will naturally have to be enlarged to a depth and width that will accommodate their larger and swifter vessels.

IMPROVEMENT FEASIBLE AND ECONOMICAL

The next thing that I want to call to the attention of the committee is the fact that the deepening and widening of the channel is feasible and obtainable at a relatively small cost to the Government. The only thing that will be necessary to do in order to get the additional depth and width will be to do slightly more dredging than is now being done and to build a few extra wing dams. There is no rock to be cut or embankments to be constructed. The report on the cost and character of the extra work shows that to secure a channel 35 feet deep and 500 feet wide in the Columbia River, it will cost only \$1,336,000, with \$310,000 annually for increased maintenance, making the total annual carrying charges but \$365,000. I believe that I have already given you these figures. Accordingly, considered from the standpoint of an investment the difference between the estimated yearly savings and the annual carrying charges for the larger channels will amortize the original outlay at the rate of approximately \$244,000 a year. The differences in cost between an adequate channel as recommended by the board and urged by the delegation and channels of smaller dimensions are shown by a table of the estimated costs of providing channels 30, 32, and 35 feet deep and from 400 to 500 feet wide set out on page 3 of General Jadwin's report. For convenience, I have detached it and will leave a copy on the table for the committee.

	Channel—			
	30 by 400 feet	30 by 500 feet	32 by 500 feet	35 by 500 feet
Willamette River (entire cost to be borne by port of Portland):				
Original cost.....	\$170,000	\$236,000	\$347,000	\$748,000
Maintenance.....	125,000	175,000	275,000	425,000
Columbia River (entire cost to be borne by the United States):				
Total cost if depth is same above and below Tongue Point—				
Original cost.....	85,440	163,550	605,600	1,366,300
Maintenance.....	374,000	408,000	510,000	685,000
Total cost if depth below Tongue Point is 1 foot greater—				
Original cost.....	88,600	170,200	638,100	1,412,200
Maintenance.....	376,000	412,000	520,000	700,000

Another point that I desire to bring to your attention as forcibly as I possibly can is that the proposed project is not a new one. It is not an impulsive or unreasoned gesture. It is the product of a steady, consistent development accompanied by years of thought and investigation. The first survey for a 35-foot channel, 500 feet wide, appears in House Document 1009 of the Sixty-sixth Congress. This survey shows that the engineers estimated about seven years ago that 21,000,000 yards of material would have to be moved from the bed of the Columbia below the mouth of the Willamette and 13,347,000 yards in the Willamette in order to secure adequate depth and width for the safe navigation of vessels entering and clearing from the port of Portland. The survey upon which the present recommendation was made is authorized by an act of Congress passed on March 3, 1925. The survey was completed by the United States district engineer in charge at Portland. It was forwarded to the division engineer on September 24, 1926. The report which accompanied the transmission of the survey shows that the amount of dredging to be done in the Columbia River below the mouth of the Willamette is 13,000,000 yards, as against the original estimate of 21,000,000, and that that to be done in the Willamette is 6,600,000 yards, as against the previous report of 13,347,000 yards. The diking required to obtain the additional depth and width is such as would be needed to assure the maintenance of the existing channels at smaller dimensions.

RIVER APPROACHING STABILIZATION

Both the recommendation and the report which accompanies it contain detailed statements showing how the figures of costs and maintenance were calculated. I will not stop to go over these—I have already commented upon them to a sufficient extent—but I will call the committee's attention to paragraph 12 of the recommendation of the board, which in substance stated that the Columbia River Channel is fast approaching a condition of stabilization; that good results have been obtained from the permeable dikes placed in the rivers to reduce the necessary annual dredging; that an estimate made shortly after the 1927 freshet showed that about 1,000,000 cubic yards of material had been scoured out of the channels by the dikes since the survey of 1926; that it will cost \$385,000 to construct dikes for a 32-foot depth and but \$453,000 for a 35-foot depth, making a difference of only \$68,000. From experience with the existing project it appears reasonable to expect that the extra contraction works will, after a few years, reduce the annual maintenance dredging.

EXTENT OF LOCAL COOPERATION

The committee has no doubt observed that the recommendations of the Board of Army Engineers specifies certain conditions; namely, that the port of Portland shall assist in the work of improving and maintaining the channel of the Columbia River as required under the terms of the existing project, also to be responsible for obtaining and maintaining a channel of equivalent dimensions in the Willamette River. With reference to these conditions I want to say that they are not only such as the port of Portland is willing to meet, but, in fact, has already in part met.

The Willamette River channel has always been kept to a depth of 35 feet during the past 8 or 10 years. I am not going to take up time enumerating the many particulars in which the people of Portland have cooperated with the Government in channel work during the past. I will content myself with merely saying at this time and in this connection that Portland has been a partner with the Government on channel work for many years and that its record for cooperation has still to be equaled by any other port in the United States. The city has, as I stated at the outset, expended over \$10,000,000 for deepening and widening the channels to the sea and \$15,000,000 in providing docks and port facilities. To date its total expenditures have equaled if not exceeded the total expenditures of the Government on the Columbia River and channel work.

You may be interested in knowing that at one time when work on one of the Columbia River jetties, which is approximately 100 miles from Portland, was suspended owing to lack of sufficient funds to continue with its construction, Portland voluntarily, of its own accord and on its own initiative, contributed approximately a half million dollars to enable the work on that strictly Federal project to proceed. Indeed, the first money that was actually spent for improving the river channels was \$350,000 donated by the people of Portland.

Again, every dredge that the Government has placed in the Columbia River has been matched by an equally powerful dredge of the port of Portland. The city has, as your chairman has already remarked, the greatest dredge in the world in the river. Our local engineer designed it. Again, the port actually has loaned its dredges to the Government without charge, except operating costs. There has been no dodging of local responsibility in connection with river and harbor work I can assure you; moreover, there never will be any. On this Congress can absolutely depend. The city recognizes the vital necessity of maintaining its port, not only for its own future prosperity, which is bound up in the improvement and enlargement of its facilities for handling its growing water-borne commerce, but for the advantage of the people of the inland empire and the entire Northwest, who, as I have endeavored to point out to you, must to a large extent depend on Portland shipping. I suppose the committee has heard that Portland capital recently purchased 11 Government-owned vessels to add to the present shipping facilities of the port. This is additional and up-to-the-minute evidence of local pride and faith.

WILL DEVELOP NORTHWEST

As I mentioned before, the recommendation of the Board of Army Engineers does not advance a new idea. Similar recommendations have been made by other officials and boards in the past. The resident engineer recommended the proposed depth and width in his report to the division engineer on December 1, 1919. In fact, the gradual deepening and widening of the channel to conform with the present recommendations of the board was visioned in the very earliest plans for the development of commerce on the Columbia and Willamette Rivers. The time is now at hand when the completion of the plans must be hastened. If they are not, a large section of the country will continue to be unduly handicapped and its natural and necessary development unfairly retarded.

In conclusion, I want to say that I have faith in the committee's ability to recognize the justice and need for giving Portland and the people of the Columbia River Basin an adequate channel for carrying their products to the Pacific Ocean, to expedite the settlement and development of the inland empire, and to add materially to the prosperity and greatness of a great section of a great Nation.

I again thank you for granting the Oregon delegation this very early and much-appreciated opportunity to be heard upon such a vitally important matter as that which it has been the delegation's privilege and my pleasure to present to you in part.

The CHAIRMAN. Let me make this suggestion, Mr. Korell. The real questions here are the questions I have propounded to you, and if you have anything further to say on that, we will be glad to hear it. We are convinced of the fact that Portland is a large city, has a very rich surrounding country which produces a great commerce. We are convinced that the improvement to the extent that is necessary to foster that commerce is desirable. All we want is just this: Are the facilities—are the vessels which would carry that trade, if we give them this added depth, such as would draw the increased depth, and, second, is it necessary on account of the rafts and the frequency of the passage of vessels to have the increased width? Those are the two questions I would like to have answered.

ADDITIONAL WIDTH AND DEPTH NEEDED

Mr. McDUFFIE. May I ask how wide these rafts are that are towed up and down this stream?

Mr. KORELL. They vary in size. I have seen rafts there that are probably 100 to 150 feet wide. Some of the largest log rafts in the world are made up in the Columbia River and towed up and down the river and out the mouth of the river to distant ports.

Mr. McDUFFIE. A little over half of the tonnage of that port, or two-thirds of it, is timber or timber products, isn't it?

Mr. KORELL. No; I have called attention to the fact that we are shipping—

Mr. McDUFFIE. I notice the figures here give wood and paper.

Mr. KORELL. I have called attention to the fact that we are shipping grain; we are shipping pulp for paper; we are shipping all kinds of agricultural products, and we are shipping flax, salmon, and wool. I think that we stand as one of the outstanding ports in the world in the shipment of all these classes of products.

Mr. McDUFFIE. Of course, your timber is a very valuable product, but the figures here seem to show that your domestic wood and paper was over a million and a half, and the internal commerce, that stuff handled up and down the river there, was three million or more, so that makes quite a large percentage of the total.

Mr. KORELL. On page 854 of the report of the Chief of Engineers of the United States Army for 1927 you will find a detailed statement of the character and quantity of the tonnage shipped.

Columbia and lower Willamette Rivers, below Vancouver, Wash., and Portland, Oreg.

SUMMARY

Classes of commodities	Foreign			
	Imports		Exports	
	Tons	Value	Tons	Value
Animals and animal products.....	2,029	\$205,950	5,932	\$1,627,400
Vegetable food products.....	60,720	7,612,061	1,152,893	64,490,071
Other vegetable products.....	559	355,725	839	208,038
Textiles.....	8,375	2,201,330	149	33,823
Wood and paper.....	5,864	400,373	997,417	14,618,742
Nonmetallic minerals.....	21,705	744,255	798	97,356
Ores, metals, and manufactures of.....	20,421	508,284	27,397	1,073,977
Machinery and vehicles.....			366	261,480
Chemicals.....	6,112	245,479	541	270,500
Unclassified.....	3,568	892,000	552	176,640
Total.....	129,354	13,166,457	2,186,884	82,859,027

Classes of commodities	Domestic				Total	
	Coastwise		Internal ¹			
	Tons	Value	Tons	Value	Tons	Value
Animals and animal products.....	42, 145	\$12, 058, 675	10, 214	\$2, 669, 668	60, 320	\$16, 561, 693
Vegetable food products.....	364, 078	43, 964, 333	67, 059	3, 307, 986	1, 644, 750	119, 374, 451
Other vegetable products.....	10, 221	8, 855, 715	20	10, 000	11, 639	9, 431, 478
Textiles.....	32, 002	24, 046, 424	95	63, 650	40, 621	26, 345, 227
Wood and paper.....	1, 356, 870	37, 123, 996	3, 102, 226	40, 161, 615	5, 462, 377	92, 304, 726
Nonmetallic minerals.....	1, 906, 342	43, 935, 258	1, 429, 827	4, 379, 311	3, 358, 673	49, 156, 180
Ores, metals, and manufactures of.....	168, 248	20, 377, 814	19, 228	4, 551, 145	235, 294	26, 511, 220
Machinery and vehicles.....	26, 359	12, 823, 220	3, 989	1, 600, 700	30, 714	14, 685, 400
Chemicals.....	35, 328	10, 074, 557	1, 973	59, 190	43, 954	10, 649, 726
Unclassified.....	38, 852	5, 854, 403	35, 367	3, 536, 700	78, 339	10, 459, 743
Total.....	3, 980, 445	219, 114, 395	4, 669, 998	60, 339, 965	10, 966, 681	375, 479, 844

¹ The internal traffic includes 2,324,075 tons of rafted logs and piling valued at \$18,563,030. It also includes 141,311 tons of hogged wood valued at \$32,502 and 48,741 tons of stone valued at \$58,489, used in connection with works of river and harbor improvement.

General ferry traffic: Five ferries carried 388,987 automobiles and vehicles.

Mr. McDUFFIE. Yes; I was just reading from that.

The CHAIRMAN. A question in my mind on those tables is this; what are your timber products classified under?

Mr. McDUFFIE. Wood and paper. Is there much current in that stream from Portland down to the mouth?

Mr. KORELL. There is quite a little current, and the current, I might say, has been quite a valuable agency in scouring out the channel. It is utilized for this purpose by the construction of wing dams along the river which narrow the channel and speed up the current thus scouring the bottom of the river at places where sand and gravel would accumulate.

Mr. McDUFFIE. Is the Columbia River very tortuous, with a lot of crooks in it, or bends or sharp turns, or is it an ordinary straight stream?

Mr. KORELL. This map on the wall will indicate to the committee the course and flow of the stream. You will see by the map that there are quite a number of bends.

Mr. MORGAN. They are not very sharp bends, are they? I rode up and down the river, and my recollection is that they are not very sharp.

Mr. KORELL. They are not particularly sharp, but you can see from that map that they are there.

The CHAIRMAN. You can get a better idea of that from the general map.

Mr. McDUFFIE. The general craft pass each other in a 300-foot channel; especially when the tide is running one way or another they might find it difficult to navigate.

The CHAIRMAN. What do you call it, General Deakyne? Do you call it a fairly straight stream, or is it a stream that has more than the average number and sharper than the usual bends?

General DEAKYNE. I would say it was a stream with fairly sharp bends compared to the Delaware River, for instance. Philadelphia is about the same distance from the sea as Portland. I think the Columbia has much sharper bends than the Delaware.

The CHAIRMAN. And more of them?

General DEAKYNE. And more of them; yes.

The CHAIRMAN. Mr. Korell, let me ask you this: Here is a trade of which we have heard quite a little lately, in lumber and timber from the Pacific coast to points on the Gulf and on the Atlantic. Now, that, to be economical, will probably be carried in vessels which will go to the harbors and into the rivers on the Gulf on the Atlantic coast, and make straight delivery, we will say, from Portland to places like Albany, N. Y. What is the draft of vessels which are engaged now in that trade?

Mr. KORELL. They are the largest size vessel. They are vessels that carry passengers, in addition to tonnage, for a great part. We have one or more lines now that run from the port of Philadelphia on a regular schedule.

The CHAIRMAN. Mixed passengers and cargo or straight cargo?

Mr. KORELL. I think they take some passengers, but I wouldn't want to go on record as to that.

Mr. McDUFFIE. Is that the Luckenbach Line?

Mr. KORELL. No; that is the Columbia-Pacific (Quaker) Line. That line, or the same capital that just purchased 11 Government vessels to add to its fleet.

Mr. McDUFFIE. Coastwise or foreign trade?

Mr. KORELL. For both coastwise and foreign trade.

The CHAIRMAN. Well, now, which is growing more rapidly of your outbound traffic, your timber and lumber or your other exportable products?

Mr. KORELL. Our higher-value package freight. That is referred to here in the report as growing to such an extent that there is about \$609,000 a year lost because of the fact that all of that class of business has to be diverted by rail to other ports that can receive ships of an adequate draft and speed to handle that class of commerce. This excessive freight charge is an economic waste.

The CHAIRMAN. Well, isn't your greatest volume of tonnage for the future in your forests?

Mr. KORELL. There is a tremendous volume of tonnage there, but this area which is referred to as the Inland Empire and the back country which we drain produces wheat and agricultural products that increase in volume yearly. I call your attention to the fact that the value of that at the present time amounts to about \$700,000,000 a year.

The CHAIRMAN. We had testimony in the matter of Gulf ports. My recollection is that what we are giving them there is 27 feet, and they are sending redwood direct from the Pacific coast to the Gulf ports in, as I understand it, whole vessel loads. I assume that that will be true very soon of all the distributing centers on the Atlantic as well as on the Gulf.

Mr. KORELL. Of course, the chairman has in mind that redwood is a very light wood, much lighter, in fact, than the pine, spruce, and fir woods, and generally that class of woods that grow in our forests; and, further, that there is a squat or water depression when a vessel moves in fresh water that requires a deeper draft or deeper channel than when it is operating in salt water, which has more buoyancy. I don't

know whether I am correct in my figures, but I have been informed that it will draw from 1½ to 2 or 3 feet more, all depending, of course, on the size and speed of the ship, if it moves in clear water than when it is merely standing still or moving in salt water.

OTHER PORTS FAVOR PROJECT

The CHAIRMAN. We are looking in the East, I will say to you frankly, to getting our lumber from your coast in full cargo shipments, and we think that we will have to depend on it. It is a matter of necessity, and we think the cheapest way it can come is by water, and I see the need of the improvement of our waterways in the East in order to receive and distribute that lumber. We think the problem is a combined problem between the two coasts and the Gulf coast. It seems to me, with lumber being exhausted as it is in the South, and a supply that is inexhaustible on the Pacific coast, we on the Atlantic coast must look away up as far as Chicago, at least, to transportation by water and distribution by water of lumber.

In Detroit they are figuring they can save \$9 a thousand, at least, over the rail haul to Detroit by transportation by water.

Mr. MANSFIELD. That would go by the Erie Canal?

The CHAIRMAN. I don't know. We are going to need waterways for the distribution of that lumber, and all I am suggesting to these gentlemen on the Pacific coast is that you are just as much interested in providing waterways which will carry your lumber for distribution in the original cargo, the original vessel, to the great consuming centers in the North—and that is where it is, in the northeast part of this country—as you are in deepening the waters right on your own coast. It means just as much to you in dollars and cents. You are going to save just as much at the one end as you are at the other. You are going to get just half the benefit if, when you get to New York or Albany, you have to stop and can not distribute any farther.

Mr. HAWLEY. Mr. Chairman, we have always recognized that. We have supported projects on the Atlantic for that very purpose, marketing our lumber.

The CHAIRMAN. It seems to me we ought to recognize that fact. If you haven't anything more, Mr. KORELL, we will hear Congressman HAWLEY, and then we will hear General Deakyne for a few minutes and adjourn.

Mr. HOUSTON. Mr. Chairman, there is just one thought that occurs to me. Have you any trans-Pacific trade out there?

Mr. KORELL. Yes; we have considerable.

Mr. HOUSTON. And what railroad facilities does the port afford?

Mr. KORELL. I mentioned in my statement that we have six lines that are feeding the port of Portland at the present time, and all of those railroads, I might say, run down grade through different sections of this basin, passing over the only water-level routes that exist out there.

FLOOD CONTROL

Mr. REID of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3740, the flood control bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The Clerk will read the pending amendment.

The Clerk read as follows:

Page 4, strike out all of the paragraph beginning with the word "Just," in line 23, down to and including the word "paid," in line 12 on page 5, and insert the following:

"The United States shall provide flowage rights for destructive flood waters that will pass by reason of diversion from the main channel of the Mississippi River, and shall control, confine, and regulate such diversion."

The CHAIRMAN. The question is on the amendment.

Mr. TILSON. Mr. Chairman, I have an amendment to offer by way of a substitute.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Connecticut.

The Clerk read as follows:

Amendment by Mr. TILSON: Page 5, after line 12, strike out the pending amendment and insert as a substitute therefor the following: "Any property taken by the United States for the purpose of carrying out the terms of this act for which compensation is required by the Constitution of the United States shall be paid for by the United States."

Mr. TILSON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. TILSON. Mr. Chairman, as it will take me all of the time allotted to make my statement, I trust that Members will not interrupt me.

Mr. Chairman, I first wish to thank the members of the Flood Control Committee for the long, painstaking though strenuous efforts they have made in trying to bring to us a bill that will be acceptable. I also wish to thank those members of that committee who have met some of the rest of us in informal conferences for a fine spirit of cooperation and a willingness to help get as good a bill as possible. I wish to thank them for this spirit, because it is in such spirit I think we get the best legislation. Anything I may say here I hope will be considered in full accord with that spirit, for that is my only purpose in offering this amendment.

Mr. Chairman, local contribution is the accepted principle upon which this work has been done heretofore, and in that so-called stump speech that was incorporated in section 2 we reiterated that principle. But we proceed to deviate from it at once, and I think for good reasons, in order to meet the expense of doing the construction work.

There is one principle of local contribution, however, that I think should never under any circumstances be deviated from, which is that the land upon which the improvement is made, the ground upon which the levee works are constructed, should be furnished by the State or locality in which these works are situated. Mr. Chairman, to deviate from this policy might introduce a new principle into the liability that may arise by reason of anything that may occur after the completion of these works.

What is the problem here? It has been accepted in this bill that local authorities shall furnish the levee sites, even though they are new levees, for the main stem of the river. We come now to the question—and it is the crux of the whole question—who shall furnish the land for these flood ways. We ought to have an understanding as to what the flood ways are. In the first place the flood ways do not run over the mountains or the tops of ridges. They are for the most part natural flood ways where the water has been going down from time immemorial. We are simply making a plan by which along these natural flood ways the new flood hereafter is to be confined.

What is going to happen to the rest of the country? Outside of these levees there will be protection that these lands have never had. Inside of these levees—mark this—inside of the levees, unless there is a flood substantially equal to the 1927 flood, those who are inside between the new flood-way levees will be in just as good a situation as they have ever been. We are not going to pour destructive floods down these flood ways, except when there are such floods that would overflow the territory were there no additional levees there. Of course, if the river is confined in some other place the flood may be somewhat greater in volume after it tops the levee at the proposed height, but up to the time it tops the existing levee there is no water going down there that has not gone down there before. So we are not doing such a tremendous damage after all. We are, in fact, furnishing protected land behind the levees for a great reclamation scheme, and I hope it turns out so that they may have hundreds of thousands of acres there that have been valueless before but which will be highly valuable after this work is done. For one, I am glad that the lands there are owned by large corporations, because the same corporations that own the floor of the flood way will probably own on both sides of the levees, and if they do receive damages to the land in the flood way they will receive compensating benefits for the reclaimed land on either side.

Suppose a flood should come down these flood ways; it is not coming without notice. If, for instance, flocks are being grazed within the flood way, there will be plenty of time to remove them, and if anybody within the flood way continues to live in the little houses down through that part of the country they will have plenty of time to remove themselves and their belongings behind the levees. So that there is no danger of anybody being drowned by a sudden flood turned down through the spillways or flood ways.

But I must pass to the next point, because this is the nub of the question. The amendment of the gentleman from Illinois [Mr. REID] as offered yesterday and printed in the RECORD proposes that the United States shall provide lands for rights of way over which destructive flood waters shall pass by reason of the diversion from the main channel of the Mississippi, and for levees along such diversions, flood ways, and spillways, and any needed lands and easements—and this lets in the railroads again. Do not think for a moment that because we cut out section 4 that we cut the railroads out. They are in this amendment.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. COX. The gentleman is reading the amendment that was proposed yesterday and was printed in the RECORD this morning, and not the one that was offered this morning.

Mr. TILSON. Yes; I am reading the one that is in the RECORD that the gentleman from Illinois [Mr. REID] offered yesterday.

Mr. COX. But that is not the amendment that was offered a few moments ago.

Mr. TILSON. I am at least showing what was originally proposed. As I understand the amendment that was just read from the Clerk's desk, it is that we shall simply buy the flowage rights in advance. Why should we buy flowage rights? Why should we not stand on the constitutional right which every citizen has to receive just compensation if his property is taken for a public use? In the amendment that I have offered it is stated, in effect, that in case private property is taken in the constitutional sense, the United States assumes the responsibility for it. How can anyone suffer if his constitutional rights are preserved and these are buttressed by an assumption of the obligation by the United States in case his property is taken within the meaning of the Constitution?

We have reached the crucial point in this bill. In my opinion, any provision for buying flowage rights, easements, or anything else relating to land, in advance that requires the United States to condemn or purchase something now that may not be needed for 10 or 12 years, or never, will be dangerous to the bill itself. I hope that we may arrive at a bill which will be acceptable and one that we need not be ashamed of hereafter, a bill that will not open the doors of the Treasury to raids upon it.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. FREAR. And in addition to the question of flowage rights it requires the rights of way for the levees to be purchased by the Government, notwithstanding that the levee rights on the Mississippi River are to be furnished by the locality.

Mr. TILSON. In the pending amendment direct reference to rights of way is stricken out.

Mr. FREAR. No; it is in there. I leave that to the chairman.

Mr. TILSON. I am afraid the gentleman is correct and that the words "flowage rights" will include a lot of things. My point is just here: The amendment that I have offered gives everyone ample protection, as he is protected under the Constitution, and fixes the obligation of the United States for such damage as may accrue under the Constitution. Why should we not be satisfied with this? Why is it not enough to protect any citizen of the United States? I think it is, and that when we go beyond this and propose to buy lands, easements, or flowage rights in advance we enter upon dangerous ground. We should try to get away from the word "buy" if we can in this connection. There is danger in this bill if under it we start out to buy a lot of land, easements, or flowage rights, and since the Constitution takes care of the situation there is no necessity for affirmatively conferring different or additional rights to those guaranteed in the Constitution.

I hope my amendment will be accepted as it is, and, if accepted, then, in my judgment, it will be possible to iron out all of the other differences in this bill. So long as it requires the United States to buy lands, easements, or flowage rights I fear that the bill may fail to be acceptable to enough of us to finally pass it. [Applause.]

Mr. DENISON. And the gentleman's amendment merely gives the property owners their constitutional rights?

Mr. TILSON. And fixes the obligation to pay upon the United States. It does not attempt to unload upon any levee district or any State or anybody else, but provides that any compensation anyone is entitled to under the Constitution shall be paid by the United States.

Mr. REID of Illinois. Mr. Chairman, I told you the first day that we agreed to everything that the President's representatives said they wanted except turning destructive flood waters down upon innocent people, and I stand to-day reiterating that same proposition. The only relief provided by the amendment that the gentleman from Connecticut [Mr. TILSON] proposes would give to a man after his property has been destroyed by the destructive flood, or probably some of his kin have been drowned, would be to say to him, "You go to the United States courts, start a lawsuit, and at the end of 5 or 10 years, perhaps, you will be thrown out, and then you will be able to come to Congress and be sent to the Court of Claims, and after fussing around there for a year or two you will be

forgotten." If that is the kind of Government we have, then we better have a change in the form if not in the administration of it. You do not know what you do when you try to turn this water on the people and leave them to their constitutional rights. At the present time these are not natural flood ways.

Mr. TILSON. Is it not true that in time past there has been water running down from the channel and is running now?

Mr. REID of Illinois. The water running down from the channel now is not in a flood way. It does not come within your category. The spillway is through the New Madrid flood way. When you make them that, you are simply enlarging a place where the destructive waters go now. It is untrue.

Mr. TILSON. The New Madrid and the Bonnet Carre are not in this at all.

Mr. REID of Illinois. The amendment I have offered is to the effect that no water shall be turned from the main channel of the Mississippi River until the United States acquires the flowage rights, and when they do divert it from the main channel, they begin there and regulate it.

What can be fairer than that? The people of Louisiana and Missouri are not asking you to do that. Would you want it sent over your front yard? It is of no benefit to the people hundreds of miles away. Yet you turn this water down on them and say, "Go to the Constitution" as the ark of the covenant.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. BURTNESS. The flowage rights are stricken out?

Mr. REID of Illinois. Yes.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. BLACK of New York. In cases where you condemn the flowage rights it would be considered whether the water had passed over that area before in assessing the damages?

Mr. REID of Illinois. Yes. If there was water running through there now it would not be of any value. Yet the gentleman from Connecticut says they are trying to get money for the flood way now. That is not correct.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. MOORE of Virginia. Is not this the difference between the amendment offered by the gentleman from Connecticut and your amendment: That you provide that when the Government acquires the flowage rights the Government shall then pay for them, while the amendment of the gentleman from Connecticut provides that the persons affected may secure compensation by legal proceedings if they can?

Mr. REID of Illinois. We are not going to turn the water down on those people if the flowage rights are furnished—turn the water down on those innocent and helpless people. That is the iniquity of the proposition.

Mr. MOORE of Virginia. The Government is to take the flowage rights, and the people affected are to do the best they can to secure compensation?

Mr. REID of Illinois. Yes. General Jadwin said he would turn the water down on those people and let them take their chances.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. COX. Mr. Chairman and members of the committee, I desire to make a brief explanation of the amendment that has been offered by the chairman of the committee, and also to make reply to the argument of the gentleman proposing an amendment to the amendment.

I invite your careful attention to the amendment that the gentleman from Illinois has proposed. You will find from reading it that it does not undertake to commit the Government to purchase a single foot of land in any of the diversion ways or flood ways. It does not propose, and does not mean, that the Government shall acquire flowage rights for all of the land within the flood ways. It simply means that where the turning in of this additional water inundating land not heretofore subject to overflow, the Government shall acquire flowage rights thereto.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield at that point?

Mr. COX. Yes.

Mr. GRIFFIN. Is there any way of approximating the comparative value of the flowage rights, as you designate them, and the actual purchase in fee simple of the bed of the diversion?

Mr. COX. I am not in a position to state to the gentleman the difference in the cost of flowage rights and the actual title to the land.

Mr. GRIFFIN. If the gentleman will permit me—

Mr. COX. Will not the gentleman ask me that question a little later on?

Mr. GRIFFIN. To keep to the context I would like to ask it at this point. The purchase of flowage rights in advance would amount to an agreement between the Government and the owners that the Government might have the permission to turn the stream into the bed, between the levees into the channel area?

Mr. COX. I do not understand that there is any question as to the right of the Government to turn the water in. The amendment simply proposes that when the land is flooded that has not heretofore been subject to flood, the Government may acquire flowage rights.

Mr. GRIFFIN. You refer the effect of the flowage rights on the land and the value to be determined?

Mr. COX. Yes. Gentlemen, allow me to call your attention to the amendment proposed by the gentleman from Connecticut [Mr. TILSON] to the amendment offered by the gentleman from Illinois [Mr. REID]. His position is that the Government ought not to be required to acquire any interest in the flood ways except that which may be made necessary as the result of the actual taking of the land. Let me say to you, gentlemen, that amendment does not mean that if the Government turns water into these flood ways and floods land which has not been heretofore subject to the waters there is any obligation on the Government to make compensation.

I want to say to you, my colleagues, that the whole question revolves around the meaning of the word "taking." The courts have held time and time again—

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. COX. Mr. Chairman, may I have 10 minutes more?

The CHAIRMAN. In there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. The Supreme Court held in the case of Bedford against the United States that—

Damages to lands by flooding as the result of revetments erected by the United States along the banks of the Mississippi River to prevent erosion of the banks from natural causes are consequential and do not constitute a taking of the land flooded within the meaning of the fifth amendment to the Federal Constitution.

That is the case of Bedford v. United States (192 U. S. 217). In another case the court held that—

No action will lie for damages consequent upon the erection of public improvements, although the result of such erection may impair the value of property by rendering ingress and egress thereto more difficult. It is axiomatic that private rights are always subservient to the public good.

To constitute a taking of private property such as is inhibited by the fifth amendment unless just compensation is made, it must be shown that the owner thereof has been wholly deprived of the use of same. If it has been merely injured or its use impaired, there is no taking such as is contemplated by said amendment.

Mr. LAGUARDIA. What is the citation?

Mr. COX. That is Transportation Co. v. United States (99 U. S. 635). Again, in Mills v. United States (46 Fed. 738), the court said:

No action can be maintained against the United States to recover damages in the nature of a trespass, whether proximate or consequential, because such action would sound in tort, and therefore without the jurisdiction of the court.

Where the Government of the United States by the construction of a dam, or other public works, so floods lands belonging to an individual as to totally destroy its value, there is a taking of private property within the scope of the fifth amendment.

That is United States v. Lynath (188 U. S. 445).

Permanent overflow is a "taking" within the meaning of the constitutional provision.

A destruction of private property for public purposes may as well be a taking as would be an appropriation for the same end.

Now, here is the meaning of this amendment: The Government may come in and turn all of these waters into these flood ways, which will result in damage to the owner of the property, and yet because the lands are not perpetually flooded and therefore their value not totally destroyed, there is no taking on the part of the Government within the meaning of the fifth amendment.

Mr. SNELL. Will the gentleman yield?

Mr. COX. Yes.

Mr. SNELL. I am not a lawyer, and I do not understand all of this, but I can understand some things. Is it the gentleman's

position that if the Federal Government turns the water in here that then it would not be liable for damages under the provisions of the Constitution?

Mr. COX. No, sir; it would not be liable for damages. That is the fixed and settled law, and no one familiar with the rulings of the Supreme Court will contend to the contrary. In other words, under this amendment the Government might, through the turning in of these flood waters, in a period of 5 or 10 years do tremendous damage to the property affected as a result of the flood; and yet under the Constitution there is no taking of the land, and therefore no right of action on the part of the owner as against the Government.

Now, as to the amendment proposed by the gentleman from Illinois, the amendment that the gentleman from Illinois offers simply means this: That where lands are flooded the Government shall provide flowage rights thereto, and that is all it means. The amendment does not propose that the Government shall buy a foot of land except—

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. COX. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. COX. Except such lands the value of which is perpetually destroyed by the Government, and that simply means that the Government does not commit itself by this proposal to buy anything except the land for levee rights of way. There may be a difference of opinion as between many of you and myself as to that, but I take the position that the construction of a levee will constitute a taking in the sense that the value of the property will be totally and permanently destroyed and, therefore, under the law there will be a necessity on the part of the Government to pay for it. And that is the same meaning of the Tilson amendment. If the Tilson amendment is passed, the Government is only required to pay for that which it takes, and under his amendment, though he contends to the contrary, as I understand it, there would be a taking of the rights of way for levees and, therefore, an obligation upon the Government to pay.

Mr. BURTNESSE. Will the gentleman yield?

Mr. COX. Yes.

Mr. BURTNESSE. Can the gentleman give us any estimate at all as to what the flowage rights will be worth as compared with the actual value of the land?

Mr. COX. I am sorry I can not.

Mr. BURTNESSE. Will they be worth one-third or one-half more?

Mr. COX. I am sorry I can not give the gentleman that information.

Mr. BRITTEN. Would not that depend entirely on the local conditions?

Mr. COX. Of course.

Mr. BLACK of New York. Will the gentleman yield?

Mr. COX. Yes.

Mr. BLACK of New York. Does the gentleman understand from the decisions he has just read that there could be any damage to an owner, part of whose property was taken, for consequential damages to the remainder of the land?

Mr. COX. There might be, and the courts have so held, but in this case the Reid amendment is a fair proposal. It is a liberal concession on the part of the committee and is an effort on the part of the committee to meet the objections urged to the section as it was originally drawn, which we all concede was bad and should not be legislated into law.

Mr. SNELL. Will the gentleman yield?

Mr. COX. Yes.

Mr. SNELL. Then does the gentleman understand it will be necessary for the Federal Government to provide these flowage rights under the amendment offered by the gentleman from Illinois?

Mr. COX. It would never be necessary for the Federal Government to provide flowage rights until it had been determined that it would be necessary to have such rights.

Mr. SNELL. Then, it is not necessary that they procure those rights immediately?

Mr. COX. No, sir; and the Reid amendment does not mean that the Government must procure rights to all of the property within the flood ways. There is a lot of territory that is included within these rights of way along the flood ways that will not be flooded.

Mr. SNELL. And no one knows how much of that land we would need?

Mr. COX. No one knows.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. FREAR. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. FREAR. Mr. Chairman, ladies, and gentlemen of the committee, there ought to be no difference between us personally and we ought to be willing to extend to every one who is here and who speaks on the subject the same courtesy, and I am sure you are so disposed. I do not think there is any disposition to misrepresent, but I wish to explain to you, gentlemen, the situation in which you find yourselves by the presentation of this (Reid) amendment at the last moment.

Yesterday you had another amendment to substitute on this section; to-day this amendment comes in, and a good lawyer tells you what the law is in his judgment. He is prepared with authorities. Are you going to pass upon that now, when in ordinary court proceedings you would ask that both sides be presented and the law discussed?

This is a clever amendment, as clever as anything can be offered, as clever as sending this bill over to the Senate and letting them bring it back with a unanimous report in order to influence the House.

This is an amendment to require the United States to purchase all the flowage rights. The question has been asked by my friend the gentleman from Illinois [Mr. BRITTEN] and others, What will the flowage rights be? Suppose you owned land down there, what would you be willing to do? You would say, "I am going to have all I can get." This would be natural. What will this amendment do? You say, "I will not sell the flowage rights; you can condemn them," and then you have got your local jury just the same. If the Government wants to buy the property and it asks how much it will be, it will be told, "Buy my property at my price. You can not compel me to take less."

You have the very same proposition here you have had throughout the bill. This is not a question of ownership of land, because the United States is to transfer back, under the old proposition, to the States whatever land title it has.

In addition, under this Reid amendment, while you have provided in the bill that the rights of the levees on the main river are to be purchased by the localities, you will not get these rights in this case on the flood ways as you will on the main river. The Government has got to pay for the levee rights under this amendment and also the flowage rights which may make up the full value of the property.

"The United States shall provide flowage rights for destructive floods that will pass by reason of diversion from the main channel of the Mississippi River and shall control, confine, and regulate such streams." This is the language proposed, and the chairman of the committee says, "Are you going to throw these waters down there through the flood way to drown these people?" Yes; that is what you are going to do unless they get away. Do not mistake that. There is not a particle of distinction whether you buy the flowage rights, whether you condemn them, or whether you leave them to their rights of action, so far as drowning the people is concerned. The flood ways will be dangerous places in time of great floods. They are to be used for that purpose.

These diversions are for the purpose of allowing the waters to escape down the flood way, and no one is going to drown, because they will have plenty of time to get behind the levees if they so desire, and they are living there with full knowledge of the danger in time of floods.

The purpose of the amendment is to require the Government to bring action against 7,500 people who are the owners of the property or else the Government has got to buy flowage rights, which does not make any difference in principle or expense.

Mr. COX. The gentleman assumes by that statement that they are all robbers.

Mr. FREAR. Simply because you have got to buy the property they are not robbers. Who is going to give it? No man is going to give it if he owns the property unless it should be some one like my distinguished friend, who, like myself, would possibly be generous.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. FREAR. Not for just a moment. When one man interrupts a speaker it is the nature of all of us to want to jump in with inquiries, but let me continue with my statement, please.

Seven thousand five hundred owners are to be sued by the Government unless they pay the money or unless they agree to give transfers otherwise. Is not that right?

The measure of damages no man can tell. It may be \$100,000,000 or it may be \$200,000,000 or over. If we accept the

authority of Mr. Blake, who says much of the land is worth \$100 an acre, it may cost the full amount of \$200,000,000.

Mr. COX. I am sure it is not the judgment of the gentleman that the land is worth anything like \$100, or \$20 an acre for flowage rights.

Mr. FREAR. I do not want to interrupt the gentleman, but I do not care to yield any more.

The situation is just this, gentlemen: Under this amendment, which has been offered by the chairman at this last moment without any thought of presenting it to any of us yesterday, it is not in the nature of a compromise, because it does not compromise one single thing in the purchase of land but takes in the whole proposition. The Government does not want this land, and it is exactly the same proposition you have had before you throughout.

Now, are you going to accept it? You are shrewd enough to see into this proposal, just as well as my clever friend, and I do not blame him if he can get it through as an amendment; but, as I have stated, this will require lawsuits against every landowner unless you can buy these rights, and you are sure to have such a situation.

Now, this is the same objection that has been urged in the past.

The gentleman from Connecticut [Mr. TILSON], who is the Republican leader, has another proposition, the administration proposal we are supporting, and remember that this water has overflowed through these flood ways before—not all the time; but it is an old flood way, all of them necessarily are, and it is to be used now for this diversion maybe not over once in 10 years. No man can tell what the damages are going to be now, but if he has any damage he can proceed against the Government. My friend says he has looked up the law and has the decisions here. The Attorney General, as I understand it, wrote this provision. I will be corrected by the leader [Mr. TILSON] if I am wrong. The Attorney General wrote that provision, did he not?

Mr. TILSON. I understand the Attorney General passed on it.

Mr. COX. I know the gentleman who offered it will agree with me on my interpretation.

Mr. FREAR. Now, Mr. Chairman, with all due deference to the able gentleman from Georgia—and he is able—I will accept at this time for the protection of the Government the opinion of the Attorney General of the United States in such an important matter.

Now, if there are no damages, as the gentleman from Georgia says, that can be collected against the Government of the United States, I say they ought to have damages. I agree with him in that. He says it is a question of law. I do not want to put the question as a matter of law; but if they do have damages, I am willing to support any provision in subsequent legislation to give them an immediate right to show their damages in court, so that they may collect such damages without delay. I do not care how you do it. I do not want them to be delayed. But at this time on the single and unsupported statement of one lawyer against another, I say it is a dangerous thing to give away all the Government's rights without knowing where we stand.

That is practically all that I wish to present.

Mr. COX. Will the gentleman yield now?

Mr. FREAR. I will.

Mr. COX. May I ask the gentleman if he understands the amendment to be contrary to the statement I made?

Mr. FREAR. The measure drawn by the Attorney General—as I understand the law, and I may be mistaken, and so may the gentleman from Georgia—that in case of unusual damage different from what they have suffered in the past they can bring their claims against the United States and the Government is responsible.

Mr. COX. The gentleman does not mean to say that the Attorney General has rendered any such opinion?

Mr. FREAR. No; this measure, as I understand, was drawn by the Attorney General. Why do you wish to purchase flood rights without knowing what the rights are and what the expense will be?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. REID of Illinois. Mr. Chairman, I ask unanimous consent that all debate upon this amendment and the amendment thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate upon the pending amendments close in 10 minutes. Is there objection?

Mr. TILSON. Mr. Chairman, reserving the right to object, this is a crucial point in the bill, and does not the gentleman

think that it would be well to allow a little more debate upon the amendments?

Mr. REID of Illinois. I am willing to grant that. If anybody wants to speak upon it say so, and I will extend the time.

Mr. FULBRIGHT. Mr. Chairman, reserving the right to object, I happen to represent the district in southeastern Missouri that is affected by the flood way that is under discussion. I have tried to get recognition time after time.

Mr. REID of Illinois. How much time does the gentleman want on this amendment?

Mr. FULBRIGHT. I want 10 minutes.

Mr. REID of Illinois. Very well, Mr. Chairman; I modify my request and ask unanimous consent that all debate upon this amendment and the amendment to it close in 30 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate upon the pending amendments close in 30 minutes. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Chairman, both amendments proposed in this case will protect the rights of the property owners. The only question involved is whether the Government will be protected. The Attorney General has passed upon the amendment presented by the gentleman from Connecticut [Mr. TILSON], and holds that the property owner will have a right of recovery under the amendment. So as to that amendment we have the property owner protected. It is clear that under the other amendment the property owner would also be protected. Let us take the two methods of protection and see whether the Government is protected under both. Under the methods proposed by the gentleman from Illinois [Mr. REID], we attempt to fix for all time the damage caused by the flowage rights. Is it possible to do that? Do we not enter upon a realm of infinite speculation? The times when the floods come, the frequency of recurrence of floods, the extent of the floods, are all involved in that question. Can you in any way settle that question with fair definiteness, so as to determine the amount of damages sustained by the property owner? Of course, you can not. Of course, that is utterly impossible. Of course, it is a mere matter of speculation and guess upon every one of these questions as to how often the floods will come, what the magnitude of the floods will be, and what the extent of the damage suffered by the property owner will be. Are you going to guess? Every man who is a lawyer, who has ever had any experience in condemnations, knows that you guess in favor of the property owner to the extent of at least five to ten times the value of the actual damage. I have acquired a right of way for a railroad, and I know what the result is, and every lawyer here will agree with me.

Let us take the other side. Let us suppose for a moment what is not the case, that the property owner is not protected, and he does not have, as the gentleman from Georgia [Mr. Cox] says he has not, the right to come here for damages. Is not all this discussion upon the basis that the property owner shall be reimbursed for the actual damage that he sustained? Is there any doubt that if an amendment is needed to the law to give that actual effect, that the Congress will be ready to send him to the courts to determine what the actual damage is that he has sustained? Should he have any more damage than he has actually sustained? You can not in advance estimate, you can not do anything except guess what the damage will be, but, when once the damage has been sustained, you will know what it is, and the property owner will be held down to at least approximately what the actual damage has been. Is not the property owner fully, fairly, adequately, and completely protected by that method, and will not that be certain and definite?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FULBRIGHT. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FULBRIGHT. Mr. Chairman, ladies and gentlemen of the committee, in the first place, I want to vouch for the honor of the citizenship of Missouri, and I resent the reflections that have been made on the integrity of the citizens of southeast Missouri. There are not in the State of Missouri, so far as I know, or anywhere else in the alluvial valley of the Mississippi, any bands of hijackers or marauders who are seeking to fleece the Government and make a raid upon the Treasury. We have a great question confronting us. Southeastern Missouri has felt the effects of a calamity such as she has never experienced before. In addition to the Mississippi deluge, the St. Francis Basin nine times in succession in 1927 was overflowed. In that section of the State there has been cre-

ated one of the greatest drainage systems in the United States if not in the world. The people of this community have obligated themselves in excess of \$50,000,000 in the construction of this drainage system, and they can not bear additional burdens. The amendment offered by the gentleman from Connecticut [Mr. TILSON] would deny to those people the right to any damages that the Government might cause as a result of attempting to control the flood waters of the Mississippi River through the New Madrid flood way. What is the situation? These canals that have been dug at great expense to southeastern Missouri will be obstructed by the so-called New Madrid flood way. This flood way is not provided for the purpose of protecting southeast Missouri. The damage sustained to southeast Missouri would be in excess of the benefits received as a result of this flood way, and you seek to make the people of southeast Missouri bear the burden of a project that is intended to protect some other section of the Mississippi Valley. It is unfair, it is unjust, and the people of my district will never submit to that kind of a proposition.

Not only that, but the lands proposed to be taken for a flood way in southeast Missouri are not waste lands, as some gentlemen would infer. They include some of the best farm lands in the Mississippi Valley; lands which have been in cultivation perhaps for a hundred years, owned by small landowners, not by lumber companies or timber speculators. Sixty per cent of this land is owned by small farmers who have invested the savings of a lifetime in these improvements. This is the land you undertake to make into a flood way in southeast Missouri.

Mr. LA GUARDIA. Mr. Chairman, will the gentleman yield there?

Mr. FULBRIGHT. Yes.

Mr. LA GUARDIA. It has been conceded all the way through that that land is very valuable and highly cultivated land.

Mr. FULBRIGHT. That is not true with respect to all of it, but it is true of southeast Missouri.

Mr. LA GUARDIA. We concede that.

Mr. FULBRIGHT. But you want to take that land without the payment of a dollar to the people who own it and make it into a flood way. I say the people of the United States are not in favor of that kind of practice.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. FULBRIGHT. Yes.

Mr. WILLIAMSON. My understanding of this proposed flood way is that the flood way will never be used at any time except when the water goes over the levees that would be built. It might not be used more than once in 10 or 15 years.

Mr. FULBRIGHT. In one county alone more than 1,000 homes and other buildings were destroyed or damaged by the 1927 flood; 1,000 homes damaged or washed away.

Mr. NELSON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. FULBRIGHT. Yes.

Mr. NELSON of Missouri. In answer to the statement of the gentleman from South Dakota [Mr. WILLIAMSON], may I say it is proposed to cut down the present levee 5 feet and build another levee 5 miles back. This would result in flooding the lands intervening.

Mr. FULBRIGHT. We constructed in southeast Missouri a drainage system that has cost the people an enormous amount of money. The Federal Government has not contributed to that project. Engineers tell me that if this flood-way project goes through, it will cost the drainage districts in this flood-way section from one to five million dollars. A great per cent of New Madrid County and Mississippi County would be included in the new flood way.

This is valuable property. We are not asking for a flood way. We are not asking to sell any land or sell anything. We are not making prices on our property. I am told by competent engineers—by practically every engineer I have talked with, and whom I have heard express themselves on this matter, except General Jadwin—that the proposed new flood way is not a protection to Cairo, and some other method should be adopted by which Cairo would be protected. But the men who attempt to amend this bill undertake to take from southeast Missouri perhaps 200,000 acres of valuable farm lands for a flood way, not for our benefit but for the protection of Cairo, and ask us to pay the damage. We resent that action. We are opposed to it.

I want to say, in the language of the gentleman from Illinois [Mr. MADDEN] yesterday, when he said he would finally vote against the flood bill if certain amendments were not in it, if you undertake to take from southeast Missouri these valuable lands without contribution, I will vote against the proposition, and I voice the sentiment of the people of my district.

We want flood control. We are interested in it. We want to see Cairo protected. We want to see Illinois protected. We want to see the entire Mississippi Valley protected. We do not believe, ladies and gentlemen, that this Congress is going to place the expense upon the people in southeast Missouri who derive no benefit but suffer damage.

That is not all. In the recent flood there was a loss or damage to the people in southeast Missouri, as estimated by the Flood Control Commission, of approximately \$8,000,000. As I stated a moment ago, over a thousand buildings were destroyed or materially damaged in one county in the district, and in another over 400 buildings were destroyed. The crops were destroyed, and the \$8,000,000 of damages that was estimated does not include the damage to the lands in that section of Missouri.

The problem that exists between Illinois and Missouri is a problem that can not be settled between the States. It is a Federal problem, the burden of which the Federal Government should bear. And do you know, ladies and gentlemen, that after this great flood had taken place in 1927 the eminent men of this country pledged themselves to a comprehensive flood program that would protect us from another such flood as we experienced in 1927. But as the time elapsed they have grown cold. Mr. Hoover, in whom the people of the Mississippi Valley placed the greatest confidence and hope, when it came to the time when he was put to the test he straddled the fence, and we do not know where he is to-day. [Applause.] I am not intimidated by threats of a veto. If this House, the people's forum, has become impotent under the withering blasts of threats and coercion, then Bunker Hill and Yorktown were empty victories, and the blood of the Revolution was spilled in vain. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. FULBRIGHT. I ask unanimous consent for three minutes longer.

The CHAIRMAN. The time has been fixed.

Mr. LA GUARDIA. Mr. Chairman, I agree with the gentleman from Missouri in his objections to the engineering provisions of this bill. But I do not agree with the gentleman from Georgia [Mr. Cox] in his opinion as to the effect of the Tilson amendment. The gentleman from Georgia speaks of damages incidental to Government work; in other words, where the property damage was not in contemplation of the project.

But the bill here provides for a comprehensive plan of flood control, and any property found within the path of a flood way or a spillway in this comprehensive plan would naturally come within the purview of the constitutional provision as to property rights. So that the cases cited by the gentleman from Georgia are not in point.

Mr. REID of Illinois. Will the gentleman yield?

Mr. LA GUARDIA. I have only a few minutes, but I will yield if the gentleman will get me more time.

Mr. REID of Illinois. I will get the gentleman more time. I know he wants to be right. Is there a single phrase in the bill which says it is the duty of the Government to pass water safely from Cape Girardeau to the Gulf of Mexico through flood-control works?

Mr. LA GUARDIA. The bill provides for a comprehensive plan, as submitted by the engineers.

Mr. REID of Illinois. Will the gentleman answer the question?

Mr. LA GUARDIA. I will come to it. In this comprehensive plan you have certain flood ways and spillways definitely mapped out. Now, any property in that spillway or flood way path would be entitled to just compensation under the Tilson amendment and under existing law. In the case of Monongahela Navigation Co. against United States, reported in One hundred and forty-eighth New York, the court said, speaking about the taking of property by the Government under eminent domain and where Congress sought to limit the value of the property by excluding the franchise value:

The question presented is not whether the United States has the power to condemn and appropriate this property of the Monongahela Co., for that is conceded, but how much it must pay as compensation therefor.

Then, it goes on to say:

But we need not have recourse to this natural equity, nor is it necessary to look through the Constitution to the affirmations lying behind it in the Declaration of Independence, for, in this fifth amendment, there is stated the exact limitation on the power of the Government to take private property for public uses.

In the case of United States against Great Falls Manufacturing Co., reported in One hundred and twelfth United States, it was held that any property taken by the Government for public use implies the duty of the Government to pay for it.

Such an implication—

Says the syllabus—

being consistent with the constitutional duty of the Government, as well as with common justice, the owner's claim for compensation is one arising out of implied contract.

So that the difficulty suggested by the gentleman from Illinois as to leaving these people with an indefinite remedy and undecided as to what tribunal they should resort to is fully decided in the case of the Great Falls Manufacturing Co., reported in One hundred and twelfth United States. They can treat it as a contract, and they can go directly to the Court of Claims if they so desire.

In the case of United States against Jones, reported in One hundred and ninth United States, it was held that—

there is no reason why the compensation to be made may not be ascertained by any appropriate tribunal capable of estimating the value of the property. There is nothing in the nature of the matter to be determined which calls for the establishment of any special tribunal by the appropriating power.

So that any property that is in direct danger or imminent danger which lies within the path of the spillway or flood way would be fully protected under the provisions of the Tilson amendment.

Mr. REID of Illinois. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. REID of Illinois. The United States Supreme Court, in the case of Jackson against United States, held just the opposite from the statement made by the gentleman from New York. That was a case where they built a levee 1 mile back of another man's house and left it within the confines of the flood way, and in that case the court held that he had no right of action and could get no damages.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. The gentleman from Illinois promised to get me additional time.

Mr. REID of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from New York may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. LAGUARDIA. Now, Mr. Chairman, in the case cited by the gentleman from Illinois, I repeat that the damage was incidental and unexpected. It was not within the contemplation of the project itself, and I say for the third or fourth time that in the case of the bill we are now considering you have a certain definite and specific proposition mapped out in a comprehensive flood relief plan, and that comes clearly within all of the decisions I have cited. And let me say to the gentleman from Illinois that I was not citing my views of the law; I was citing from decisions of the Supreme Court.

Mr. COX. But the gentleman from New York puts an erroneous construction on the decisions referred to.

Mr. FREAR. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. FREAR. I want to ask the gentleman if it is proper, in a state of confusion and disagreement of this kind on the law, that we should adopt a plan of this kind, which may mean \$100,000,000 or \$200,000,000 in cost to the Government?

Mr. REID of Illinois. Or leave 100,000 people to drown and their heirs go to the courts under such confusion.

Mr. FREAR. They will be drowned under either proposition, as we all know.

Mr. LAGUARDIA. I will say to the gentleman from Illinois and the gentleman from Louisiana, who, I think, suggested that under the Tilson amendment the people would have to run out and look for lawyers, under your plan the lawyers would go out and look for the people.

Mr. REID of Illinois. They would if they were from New York.

Mr. LAGUARDIA. And they will be. I am trying to protect the people of Mississippi Valley from the confidence men of Broadway and the tin horns of Chicago. I said that yesterday.

Mr. BLACK of New York. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLACK of New York. Will the gentleman tell us just what the Reid amendment adds to the rights of property owners as defined by the gentleman in those decisions?

Mr. LAGUARDIA. It broadens the scope, if anything, and will throw the doors wide open.

Mr. MOORE of Virginia. Tell us exactly how that will be done?

Mr. LAGUARDIA. Certainly. You provide specifically for payment or compensation way beyond any direct, actual, and definite damages.

Mr. MOORE of Virginia. Be a little specific and tell us how and how far beyond.

Mr. LAGUARDIA. Why, in this way: You now have your property fully protected under existing law as laid down in a long line of decisions. If there is anything that is protected in this country, and no one knows this better than the gentleman from Virginia, who is a great defender of human rights, it is property. Property is fully protected under the Constitution. You need not add anything to this law to do that, but by writing a specific provision into this law you are going far beyond the law as laid down in these decisions, generous as the decisions have always been to a property right, and you provide for a system of condemnation and local commissioners inviting the opportunity for excessive awards of damages in cases where there may be no actual damages sustained.

Mr. MOORE of Virginia. Yes; but my friend has not told me yet how we throw the doors wider open than the Constitution and the statute which is cited in this section.

Mr. LAGUARDIA. You provide for the condemnation of all this property; you provide for the appointment of local commissioners; and there is no limit to what you can condemn under local influence, under the specific provisions of the bill; while under existing law you must make out a case of material property damage actually sustained, or they are not entitled to compensation.

Mr. MOORE of Virginia. Let me go one step further, and I may say to the gentleman I am talking without any preconception, but am trying to get at the case we have before us. This section itself says nothing about the Constitution, but, of course, we assume that the Constitution will be observed, but it does say that the provisions of sections 5 and 6 of the river and harbor act of July 18, 1918, shall apply.

Mr. LAGUARDIA. Yes.

Mr. MOORE of Virginia. Under that act, unless the Government is able to agree with the landowner in respect of the acquisition of any interest in the land, the flowage rights or otherwise, then there shall be a resort by the Government to condemnation and the Government has the right to take possession of the property at once.

Mr. LAGUARDIA. Then if that is so, why does the gentleman object to the Tilson amendment going into the bill, in lieu of the specific provisions reported by the committee?

Mr. MOORE of Virginia. I will say to the gentleman I am not trying to do anything more than get at his view.

Mr. WILSON of Mississippi. Mr. Chairman, I am not surprised at the argument of the gentleman from New York. The argument of the gentleman from Wisconsin [Mr. FREAR] has many times nauseated me upon this floor, full of inaccuracies and errors.

Mr. FREAR. Will the gentleman point out in what respect?

Mr. WILSON of Mississippi. Oh, yes; talking about land being worth \$100 an acre in the valley.

Mr. FREAR. That was the testimony before the committee.

Mr. LAGUARDIA. The gentleman from Missouri [Mr. FULBRIGHT] just said so.

Mr. FULBRIGHT. I beg the gentleman's pardon. The gentleman from Missouri did not make any such statement.

Mr. WILSON of Mississippi. Wait a minute. That is just another inaccurate statement from the side opposing adequate flood-control legislation, and the other gentleman, the one from Iowa, who has sought safety in flight, Mr. Kopp, stated upon this floor not long ago that it was the duty of these people never to have gone to the Mississippi Valley if they did not want to assume this responsibility. Why, the gentleman from Iowa [Mr. Kopp] made the argument upon the floor of this House that the people who went into the Mississippi Valley to reclaim that rich domain knew the dangers incident to the occupancy of the valley, and to use a term of the lawyers, they assumed the risk and ought to abide by the consequences.

The gentleman from Wisconsin [Mr. FREAR] has just said in his argument here in reference to this amendment that the people ought to get away from the levees and get behind them. That argument would not dignify a gentleman in the Dark Ages of the past—

Mr. FREAR. Will the gentleman—

Mr. WILSON of Mississippi. I refuse to yield; sit down.

Mr. FREAR. That was for the protection of human life.

Mr. WILSON of Mississippi. Sit down. That argument would not have dignified a Member of Congress, if there had

been such a governmental organization in the Dark Ages of the past, when one man had no regard or respect for the rights of his fellow citizens.

What do you want to do under this amendment? You want to put a further and an additional responsibility upon the back of our already burdened people in the Mississippi Valley.

Here is a river that we can not build a bridge across without the Nation's consent. You can not float a boat upon its waters without the Nation's consent. You can do nothing in reference to it, because the United States Government says in times when there is no flood, "It is my property and my river."

You have marines down in Nicaragua, whether rightfully or wrongfully, to do what? To protect, you say, the lives and property of American citizens. When there has not been a dollar's worth of property endangered or a human life sacrificed until the marines got there. You have already sacrificed the lives of 24 of these American boys and spent \$1,600,000 of the taxpayers' money. You never asked the cost when you sent them. You have them to-day in China, so you say, trying to protect American lives and American property. You had a move in the Sixty-second Congress initiated by the Hon. Herbert Hoover that culminated in taking \$70,000,000 out of the Treasury of the United States, sending it as a free-will offering to the famine-stricken people of Russia—more than you ever contributed here in all the history of this great country to the people of the Mississippi Valley to save their property and their lives in your own country. [Applause.]

My people have already spent approximately \$300,000,000 in an effort to protect themselves against the Government property—the Mississippi River, owned, and should be controlled by this great Government of ours. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut as a substitute for the amendment of the gentleman from Illinois [Mr. REID].

The question was taken; and on a division (demanded by Mr. TILSON) there were 76 ayes and 119 noes.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from Illinois [Mr. REID].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 6, line 10, strike out the words "local interests" and insert in lieu thereof "levee districts."

The amendment was agreed to.

Mr. BLACK of New York. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. BLACK of New York: Page 5, line 23, after the word "final," insert "but in no case shall the damages exceed the market value of such property as of the date of this act, and as if the United States were not to undertake any comprehensive plan of flood relief."

"No awards shall be paid to any person taking title to affected property after the passage of this act, except through a judgment of a court of competent jurisdiction nor to assignees of anticipated awards."

"The Secretary of War shall employ such experts and engineers as to him may seem necessary in the conduct of such condemnation proceedings and benefit proceedings as are provided by this act."

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, we all understand that in nearly all efforts at public improvements there is always liable to be a little larceny; there is always somebody willing to take advantage of the public. But that of itself is not sufficient reason against public improvements. There is a probability in this public work, as in all others, that there may be somebody around who will be low-minded enough to defraud the Government. Of course, there are a great number of general penal statutes that will take care of this after they have been caught. I propose by this amendment to try and protect the Government in the beginning. I realize that we should undertake the flood-control plans even though there may be some collateral fraud.

A large part of the agitation against this great work has been due to the fact that some think that in the condemnation proceedings the Government will have to pay extravagant prices. By this amendment I fix a rule of evidence. I say that the value of the property taken shall be the market value as of the date of the passage of this act, and, further to guard against high speculative damages, I say that when the property is taken its value must be considered as if the Government

never thought of putting through any comprehensive flood-relief plan. Lawyers who know anything about condemnation work understand that in measuring the value of property you can take into contemplation any potential utilization of that property. I want this amended so that a man whose property is taken by this plan can not say to the court that if the plan was shifted his property would be three times as valuable. That is the reason I want it understood that the property shall be taken as if there was no great Federal project for a comprehensive flood control.

Mr. DEMPSEY. The gentleman's amendment does not provide anything in respect to rights of way or easements. The gentleman provides only for the title.

Mr. BLACK of New York. The easement would be dependent upon the value of the greater right, the title.

Mr. DEMPSEY. But the gentleman could provide for that in his amendment.

Mr. BLACK of New York. Then, again, I provide that no award shall be paid to anybody who takes title after the passage of this act, or prior to the improvement, nor shall there be awards made to any assignee of awards. That is to meet the objection that comes from the gentleman from New York, [Mr. LA GUARDIA]. He anticipates there will be speculation down there. That happens at every great contemplated public improvement where there are immense parcels of land taken. This would protect the Government against these speculators, by refusing to acknowledge assignments, by refusing to acknowledge titles taken after the passage of the act. Moreover, this would discourage any kind of rigging of the real-estate market after the passage of this act. Titles would not be passing to and fro with the idea of building up a false measure of value, due to sales immediately prior to the improvement. Further, we have done nothing here in this extraordinary proposition to give the Secretary of War competent real-estate experts and engineering help to carry on these improvements.

Generally speaking, I am in favor of this bill. I feel this way about it. At the time of the flood all the country wanted to help the flood sufferers. We all realized that nature is the enemy of the United States in this respect, and not only of the people immediately affected. We can effect no treaty with nature. People of the Mississippi Valley, the people of the interior, of the West, contribute to the Navy, contribute to the East coast and the West coast fortifications, which are for the immediate protection of us who live on the coasts. Nature is just as dangerous an enemy in the case of the Mississippi as any foreign foe may happen to be, and you can effect no treaty with nature. We all understand from the White House to this House, and everywhere else, that this is a national project, and we must treat it as such; but at the same time I think that in the conduct of this proceeding we ought to see to it that those who are not public-minded, that those who would defraud the Government, are discouraged by the bill itself from going into these speculative processes that some of us have in mind, by the adoption of amendments such as I have suggested. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. REID of Illinois. Mr. Chairman, the intent may be all right in this amendment, but the way it is worded and the place at which it is to be put into the bill will destroy all of the safeguards the distinguished leaders on this side of the House have tried to keep in the bill. Under the law at the present time, of course, benefits are to be considered. Under this amendment you would have to consider benefits before the improvement was thought of. Consequently benefits would not be taken into consideration. Of course, you could not violate the Constitution and the law and prohibit anybody from being an assignee to any rights, and prevent any payment to that person. It is inconsistent with my idea of ordinary law. As for the Secretary of War needing experts, we have a lot of experts now that know everything about every subject under the sun. It is not necessary to provide in this bill for any new experts, because up to date every question that we have been able to think of in regard to flood control has been answered by the War Department.

Mr. DEMPSEY. Is not the chief objection to the amendment that it deals with titles, and that titles are practically not involved at all, that it is a question of easements and rights?

Mr. REID of Illinois. That may be the chief objection.

Mr. LA GUARDIA. And, of course, as to the matter of benefits, that comes in the measure of damages under the general condemnation law.

Mr. REID of Illinois. That is all. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 5, in line 23, strike out the period after the word "final" and insert the following: "If such award does not exceed 50 per cent of the amount for which said land was locally assessed on January 1, 1928, but if in excess of such an amount the Secretary of War shall submit to Congress a report containing the findings of facts and law of such award, together with all details on which said award is based" and in line 24, after the word "price" insert the following: "Not exceeding 40 per cent of the amount for which said land was locally assessed on January 1, 1928," and strike out the word "for" on line 24 and all of line 25 and on page 6, on line 1, strike out the words "reasonable he" and insert in lieu thereof the words "Secretary of War," so that the same will read, "when the owner of any land, easement, or right of way shall fix a price not exceeding 40 per cent of the amount for which said land was locally assessed on January 1, 1928, the Secretary of War may purchase the same at such price."

Mr. LAGUARDIA. Mr. Chairman, my amendment simply does this. The bill provides that the Secretary of War may purchase at private sale if he deems the price reasonable.

My amendment would limit the Secretary of War to private sale where he can obtain the land as of the assessed valuation of January 1, 1928, plus 40 per cent. That is as to private sale. Now, as to condemnation, gentlemen are familiar with the law laid down in the Monongahela case. We can not limit the price. In that case Congress sought to eliminate the franchise value of the company whose property was taken, and the Supreme Court held that Congress could not do that. I therefore provide that the award on condemnation, if it exceeds the assessed valuation of January 1, 1928, plus 50 per cent, it is not final. When it exceeds the assessed valuation, plus 50 per cent, the Secretary of War submits the findings of facts and law, together with the details on which the findings were based, to Congress. That would put the line upon all these proceedings so that it would be very difficult for excessive awards to be made under the control provided in my amendment. If we should provide that an award should not be beyond a certain amount, under the law as it is to-day it would be declared unconstitutional.

Mr. LOZIER. Does the gentleman know that in my own State they do not have full assessments of property and make up the decreased value by the rate? In States where they have a 40 per cent valuation your amendment would limit the power to purchase to the assessed valuation plus 40 per cent?

Mr. LAGUARDIA. Of the value of the land.

Mr. LOZIER. That would be manifestly unjust in those jurisdictions where they do not have a 100 per cent valuation for assessment purposes, but make up the revenue by increasing the rate, having a high rate or percentage of tax on a low valuation.

Mr. LAGUARDIA. In my city, where we have a tax limit, we naturally raise the assessed value. Will the gentleman offer an amendment to my amendment making it 100 per cent? I will accept it.

Mr. LOZIER. No; because under the law this body can not legislatively limit the amount of assessment that may be taken as damage. The only effect of the amendment of the gentleman from New York is to limit and place the Government in a strait-jacket and prevent it from going beyond a limit.

Mr. LAGUARDIA. My amendment as to private sale does that, but private sale, of course, contemplates agreement on the part of both parties, so that the contention of the gentleman from Missouri does not apply to my amendment.

The other does not limit the Government in any way. It simply requires that before the award is final it shall be submitted to Congress. The gentleman from Illinois has constantly appealed for the weak and needy down in the Mississippi Valley. I want to protect the weak and the needy, and my amendment would give protection to the weak and needy and protect the Government against the wicked and the greedy. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the yeas appeared to have it.

Mr. LAGUARDIA. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 54, noes 76.

So the amendment was rejected.

Mr. BLACK of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of New York: Page 6, line 1, after the word "price," insert "and such price may be used as evidence in condemnation proceedings affecting similar property."

Mr. BLACK of New York. Mr. Chairman and gentlemen, I am friendly to this legislation and I realize that the great run of men who will be connected with the project are honest, but it has been suggested that there are some who will take advantage of the situation, and I am trying to make this bill as burglar proof as possible. The best evidence available as to the value of the properties affected will be the price paid by the Government to the private owners at these arranged sales, and I would not want to see any judge hold that this price, this best test of the market value, must be ruled out for any technical reason, on the theory that to a certain extent the sale is a forced sale. All I want to do by this amendment is to have the Government offer in evidence, if it cares to do so, as to the value of any property taken the price which the Government paid at private sale to another property owner holding and owning similar property. As I say, it is absolutely the best test of the value; it is nearest to the time of the taking, it is under the best conditions, and no court should be allowed to rule it out as evidence.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. BLACK].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 5, in line 23, strike out the period after the word "final" and insert the following: "If such award does not exceed the amount for which said land was locally assessed on January 1, 1928, plus 100 per cent, but if in excess of such an amount the Secretary of War shall submit to Congress a report containing the findings of facts and law of such award, together with all details on which said award is based"; and in line 24, after the word "price," insert the following: "Not exceeding the amount for which said land was locally assessed on January 1, 1928, plus 80 per cent," and strike out the word "for" on line 24 and all of line 25; and on page 6, on line 1, strike out the words "reasonable he," and insert in lieu thereof the words "Secretary of War," so that same will read, "when the owner of any land, easement, or right of way shall fix a price of the amount for which said land was locally assessed on January 1, 1928, plus 80 per cent, the Secretary of War may purchase the same at such price."

Mr. SCHAFER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Wisconsin rise?

Mr. SCHAFER. Mr. Chairman, I rise in favor of the amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. SCHAFER. Mr. Chairman, I believe this amendment more clearly safeguards the pending bill than the one which I suggested yesterday. If we adopt this amendment, we will send word to the country that this Congress has prevented unwarranted raids on the Treasury. The interests of the property holders are safeguarded under this amendment and at the same time the limitations will prevent excessive and unjustifiable payments to those who might desire to raid the Treasury. However, I am frank to say that the speculators who hope to profit excessively by the passage and enactment of this flood relief bill will not look with favor upon this limitation.

If this amendment is adopted I shall be glad to vote for the pending bill as amended. If the amendment is not adopted, I shall be very happy indeed to vote against the bill with a sincere hope that the President of the United States, with whom I do not always agree, will veto it if it goes to him in the form as passed by the House.

This is a very comprehensive, fair, and proper amendment and should be supported particularly by those from the valley States who have been so vehement in their assurances that there is no pork in the bill.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. COOPER of Wisconsin. Does the amendment specifically provide that there shall not be more paid than the assessed value plus 80 per cent?

Mr. LAGUARDIA. Eighty per cent on private sales and 100 per cent under condemnation.

Mr. COOPER of Wisconsin. That seems to be fair.

Mr. ALLGOOD. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Alabama rise?

Mr. ALLGOOD. For the purpose of opposing the amendment. The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. ALLGOOD. Mr. Chairman and gentlemen, it seems to me this is a very unfair amendment. It is based upon the 1928 assessment. Just think, gentlemen, what happened in the Mississippi Valley in 1927, think of the millions of dollars of improvements that were washed away and were not placed in the 1928 assessment, and then to ask these people to take the 1928 tax valuation, or even a 100 per cent increase, is wholly unfair to them. It seems to me to be very unfair, and I think those who have put this amendment forward did not think of this feature of it. I have just risen for the purpose of recalling to your mind what took place in the Mississippi Valley in 1927—the destruction of life and property beggar description.

Mr. McSWAIN. Will the gentleman yield?

Mr. ALLGOOD. Yes.

Mr. McSWAIN. Will it render the amendment less obnoxious if the date is fixed as January 1, 1927, or January 1, 1926?

Mr. ALLGOOD. It would make it less obnoxious.

Mr. LAGUARDIA. I will accept that.

Mr. McSWAIN. The gentleman from Alabama says the amendment as proposed is unfair because of the depreciated value of the property in the Mississippi Valley.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to change my amendment; and wherever it reads "January 1, 1928," make it read "January 1, 1926."

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

Mr. FULBRIGHT. Will the gentleman yield?

Mr. ALLGOOD. Yes.

Mr. FULBRIGHT. I want to make this suggestion to the gentleman from Alabama who has just spoken, that in south-east Missouri the values of the land in the territory affected by the flood, for the purpose of assessment, were reduced by the State authorities from the very fact that they had sustained such a terrible damage in 1927. In many instances the taxes have been reduced on lands in southeastern Missouri as a result of these floods more than 25 per cent, and in some cases as high as 40 per cent of the value.

Mr. ALLGOOD. The Governor of the State of Louisiana called the legislature in extraordinary session last fall before the taxes became due for the purpose of relieving the taxpayers in that State where their properties had been destroyed or damaged by the floods.

Mr. REID of Illinois. Mr. Chairman, I rise to oppose the amendment for a number of reasons. The basis is not fair and it is not based upon the mover's knowledge of any assessment value in any of the States involved. I am sure the gentleman would not undertake to have the Government buy \$20 land and only pay \$18, under an illustration that might be seen from the face of it.

But here is the worst part of the amendment. The gentleman wants them to report back to Congress before the Secretary of War buys a piece of property. This is the bad part of the amendment. The amendment provides that if the price is in excess of a price based on the gentleman's amendment, the Secretary of War shall submit to Congress a report containing the findings of fact and law of such award, together with all details on which said award is based.

Mr. LAGUARDIA. That is in the case of condemnation proceedings.

Mr. REID of Illinois. Yes; so that every case you have in court they are going to send to Congress, and we are going to be like the House of Lords of England, where every lawsuit they can not settle satisfactorily to themselves in the lower courts they bring to the House of Lords. They are going to provide for that procedure here. I should not, perhaps, object to that, because I could learn a lot more law than I have learned here to-day.

Mr. LAGUARDIA. Perhaps, the opponents of the bill likewise.

Mr. REID of Illinois. Yes; that is a good idea.

I do not think the amendment is fair, and I think it would endanger the proposition.

Mr. WINGO and Mr. WHITTINGTON rose.

Mr. REID of Illinois. I yield first to the gentleman from Arkansas.

Mr. WINGO. Take the last provision of the amendment which provides for an assessed valuation plus 80 per cent, and

I want my friend from Wisconsin to notice this: We will take one State that has a 50 per cent assessment and taking a tract of land worth \$20 it would be assessed at \$10 an acre. This amendment says the Secretary can pay only the assessed value plus 80 per cent, which would be \$18 for land that is admittedly worth at least \$20. Of course, the Secretary of War would be barred from buying any of that land, because he would be paying \$2 less than the man admits it is worth for taxation purposes, which certainly is not an exorbitant price when it is to his interest to have it assessed as low as possible.

Mr. LAGUARDIA and Mr. DEMPSEY rose.

Mr. REID of Illinois. I yield to the gentleman from Mississippi [Mr. WHITTINGTON] after the gentleman from Arkansas [Mr. WINGO] is through.

Mr. WINGO. Let me finish this statement, if the gentleman will permit. If the gentleman from New York is familiar with tax decisions he will know that there is more than one State where the courts have held that it will take judicial knowledge of the fact that the assessed value is a certain percentage. In one State I know of, which is not in the Mississippi Valley, it is 33½ per cent and in another one 20 per cent. There is one State in the Mississippi Valley where the Supreme Court has said it will take judicial knowledge of the fact that the assessed value of the property does not exceed 50 per cent of the actual value. Of course, under the gentleman's amendment, they could not buy that land at all.

Mr. WHITTINGTON. I should like to ask the chairman of the committee a question. Is it not true, Mr. Chairman, that the condemnation provision in the bill here is substantially the language of every condemnation statute for the condemnation of property for rivers and harbors, post offices, and for public works that has been written for the last 100 years?

Mr. REID of Illinois. That is right.

Mr. WHITTINGTON. Is it not also true that the proposed amendment would change the rules of law that have heretofore obtained for condemnation proceedings?

Mr. REID of Illinois. Yes; that is quite true.

Mr. MOORE of Virginia. Let me ask the gentleman this question, if the gentleman will permit.

Mr. REID of Illinois. Certainly.

Mr. MOORE of Virginia. Suppose this amendment should be adopted, what is Congress going to do with these reports that come in here?

Mr. REID of Illinois. The gentleman from New York [Mr. LAGUARDIA] and I are going to look them over. [Laughter.]

Mr. MOORE of Virginia. Does not the gentleman think there would be a flooding of Congress as well as a flooding of the Mississippi River Valley?

Mr. REID of Illinois. There is no question about that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. SCHAFER) there were—ayes 11, noes 83.

So the amendment was rejected.

The Clerk read as follows:

SEC. 6. In an emergency, funds appropriated under authority of this act may be expended for the prosecution of such works for the control of the floods of the Mississippi River as have heretofore been authorized and are not included in the present project; or for the maintenance of any levee when it is demonstrated to the satisfaction of the Secretary of War that the levee can not be adequately maintained by local interests.

The CHAIRMAN. The gentleman from Illinois [Mr. REID] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REID of Illinois: Page 6, line 22, strike out the words "in an emergency, funds" and insert in lieu thereof the word "Funds."

Page 6, line 23, after the word "of," insert the words "section 1 of."

The amendment was agreed to.

The CHAIRMAN. The gentleman from Illinois offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REID of Illinois: Page 7, line 1, after the word "project," change the semicolon to a comma, strike out the rest of the section, and insert in lieu thereof the following: "including levee work on the Mississippi River between Rock Island, Ill., and Cape Girardeau, Mo., and on the outlets and tributaries of the Mississippi River between Rock Island and Head of Passes, in so far as such outlets or tributaries are affected by the backwaters of the Mississippi: Provided, That for such work on tributaries the States or levee districts shall provide rights of way without cost to the United States, contribute 33½ per cent of the cost of the works, and maintain them after

completion: *And provided further*, That not more than \$10,000,000 of the sums authorized in section 1 of this act shall be expended under the provisions of this section."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 7, after the amendment proposed to be inserted at the end of section 6, add a new paragraph, as follows:

"In an emergency, funds appropriated under authority of section 1 of this act may be expended for the maintenance of any levee when it is demonstrated to the satisfaction of the Secretary of War that the levee can not be adequately maintained by the State or levee district."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 7. That the sum of \$5,000,000 is authorized to be appropriated as an emergency fund to be allotted by the Secretary of War on the recommendation of the Chief of Engineers, in rescue work or in the repair or maintenance of any flood-control work on any tributaries of the Mississippi River below Cape Girardeau, Mo., threatened or destroyed by flood.

The Clerk read the following committee amendment:

Page 7, line 10, after the word "river," strike out the words "below Cape Girardeau, Mo."

Mr. FREAR. I would like to ask the gentleman from Illinois what the purpose of this amendment is?

Mr. REID of Illinois. It was called to the attention of the committee by the gentleman from Arkansas [Mr. RAGON] that during the last flood it was impossible to get an engineer down there to do the work.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. HASTINGS. Mr. Chairman, I want to call attention to the words "an emergency." In the previous section the word "emergency" was stricken out. Does not the gentleman think this word "emergency" should be stricken out and "a" inserted?

Mr. REID of Illinois. I do not think so.

Mr. RAGON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. RAGON: Page 7, line 11, after the word "flood," strike out the period and insert the words "including the flood of 1927."

Mr. RAGON. Mr. Chairman, I do not think there is a man in the House that will object to the amendment I have offered. As I have said on the flood before, I think the district that I represent suffered the greatest amount of permanent irreparable damage by the flood of 1927. The Arkansas River Valley region from Muskogee, Okla., to Pine Bluff, Ark., will not come in the bill you are about to perfect except in this section and in the surveys. The Arkansas River practically ruined that valley last year—one of the richest valleys in our State. The Arkansas River is a navigable stream. Therefore we are precluded from doing anything in the way of obstruction that does not meet the approval of the War Department.

After the overflow had passed away I was called to a little city in my district. Just below there is an area of 50,000 acres of the richest bottom land you can find anywhere.

The river had made great inroads in that rich bottom land, cut out the banks of the river for a distance of a quarter of a mile as perfectly as you could have done it with a steam shovel.

One of the most pathetic sights I ever saw were these farmers, without any engineering experience, trying to build a levee. They had four or five teams, and each team was attached to a railroad slip. They were trying to build up a little levee, and they had it 3 or 4 feet high. One of the men who had it in charge asked if I could not do something toward getting an engineer there who knew his business and who would advise them how to protect their homes and farms.

I went back and wired General Jadwin. He was out of the city, but turned it over to General Deakyne, who referred it back to the Mississippi River Commission. Then Colonel Potter wired me that they did not have an engineer and they did not have a dollar which they could send there and help these people in these dire circumstances.

There they were—thrown wide open to the inroads of every bank-full rise in the Arkansas River.

Now, I have taken up the section that the Flood Control Committee put in the bill. I have taken it up personally with

General Jadwin; and while it may be possible that he could furnish engineers and do a little revetment work on the Arkansas River under the present section, he thinks it would be better to make the intention well known and write in the bill "including the flood of 1927."

I have had appeals from three different sections asking the Army engineers to come there on that river and make investigations with reference to the river caving its banks and injuring the levees they have constructed.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. RAGON. Yes.

Mr. JACOBSTEIN. Is it the gentleman's thought that the language of the committee bill would restrict the use of the money to floods in the future, and not to repair works on account of floods in the past?

Mr. RAGON. I rather think so. The situation is this: The Army engineers went down there, and in one place they said, "We can not do anything with this, although something should be done. The reason we can not do anything with it is because we have not any jurisdiction on this section of the river for the purpose of flood control." They said that they could go in there and handle it from the standpoint of navigation, but that there was no feature of navigation involved, and so when you give them this authority they will be in a position where they can go in there and stop the caving of those banks that eats into the levees which would open the river on from 30,000 to 40,000 acres of land. This is true in several different places in the Arkansas River Valley between Fort Smith and Pine Bluff.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. The project herein authorized shall be prosecuted by the Mississippi River Commission under the direction of the Secretary of War and supervision of the Chief of Engineers and subject to the provisions of this act. It shall perform such functions and through such agencies as they shall designate after consultation and discussion with the president of the commission. For all other purposes the existing laws governing the constitution and activities of the commission shall remain unchanged. The commission shall make inspection trips of such frequency and duration as will enable it to acquire first-hand information as to conditions and problems germane to the matter of flood control within the area of its jurisdiction; and on such trips of inspection ample opportunity for hearings and suggestions shall be afforded persons affected by or interested in such problems. The president of the commission shall be the executive officer thereof and shall have the qualifications now prescribed by law for the Assistant Chief of Engineers, shall have the title brigadier general, Corps of Engineers, and shall have the rank, pay, and allowances of a brigadier general while actually assigned to such duty: *Provided*, That the present incumbent of the office may be appointed a brigadier general of the Army, retired, and shall be eligible for the position of president of the commission if recalled to active service by the President under the provisions of existing law.

With the following committee amendment:

Page 8, after line 11, insert:

"The salary of the president of the Mississippi River Commission shall hereafter be \$10,000 per annum, and the salary of the other members of the commission shall hereafter be \$7,500 per annum. The official salary of any officer appointed or employed under this act shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act."

With the following amendment offered by Mr. REID of Illinois to the committee amendment:

Page 8, line 15, after the word "officer," insert the words "of the United States Army or other branch of the Government."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The question now is on the committee amendment as amended.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 9. The creation of any material obstruction not affirmatively authorized by Congress to the flood-discharge capacity of such portion of the alluvial valley of the Mississippi River below Cape Girardeau as is embraced in the project adopted by section 1 of this act is hereby prohibited, and it shall not be lawful to build or commence the building of any levee or other structure in said portion of the alluvial valley or in any flood way therein that will materially affect the flood flow in said alluvial valley or in any flood way therein unless the work

has been recommended by the Chief of Engineers and authorized by the Secretary of War. Any person or corporation who shall violate any provision of this section is guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding \$2,500 nor less than \$500 or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court; and the removal of any structures, or parts of structures, erected in violation of this section may be enforced by injunction or other process in the district court of the United States in the district in which such structures may exist, and proceedings to this end may be instituted under the direction of the Attorney General. The provisions of section 17 of the river and harbor act of March 3, 1899, are hereby made applicable to this section.

With the following committee amendment:

Page 8, line 19, after the words "Sec. 9," strike out all of the balance of that page, and all down to and including the words "Attorney General," on page 9, line 15.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 9, line 18, strike out the word "section" and insert the word "act."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the amendments offered by the gentleman from Illinois.

The Clerk read as follows:

Amendments by Mr. REID: Page 9, line 16, strike out the word "section" and insert in lieu thereof the word and figures "sections 13, 14, 16, and"; page 9, line 17, after the word "to," insert the words "all lands, waters, easements, and other property and rights acquired or constructed under the provisions of."

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from Illinois.

The amendments were agreed to.

The Clerk read as follows:

SEC. 10. That it is the sense of Congress that the surveys of the Mississippi River and its tributaries, authorized pursuant to House Document No. 308, Sixty-ninth Congress, first session, be prosecuted as speedily as practicable, and the Secretary of War, through the Corps of Engineers, United States Army, is directed to prepare and submit to Congress at the earliest practicable date projects for flood control on all tributary streams (including such of their main tributaries as may be deemed necessary) of the Mississippi River system subject to destructive floods: *Provided*, That before transmitting such reports to Congress the same shall be presented to the board created in section 1 of this act, and its conclusions and recommendations thereon shall be transmitted to Congress by the Secretary of War with his report.

With the following committee amendments:

Page 9, line 21, after the word "to," insert the words "the act of January 21, 1927."

Page 10, line 2, after the word "stream," strike out "(including such of their main tributaries as may be deemed necessary)."

Page 10, line 4, after the word "flood," insert "which projects shall include: The Red River and tributaries, the Yazoo River and tributaries, the White River and tributaries, the St. Francis River and tributaries, the Arkansas River and tributaries, the Ohio River and tributaries, the Missouri River and tributaries, and the Illinois River and tributaries."

Page 10, after line 13, insert the following:

"The sum of \$5,000,000 is hereby authorized to be used out of the appropriation herein authorized, in addition to amounts authorized in the river and harbor act of January 21, 1927, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the preparation of the flood-control projects authorized in this section."

The CHAIRMAN. The question is on agreeing to the committee amendments.

Mr. FREAR. Mr. Chairman, I move to strike out the last word for the purpose of making a brief statement which I think the House is entitled to at this time, in respect to the character of the motion to recommit, which I shall offer if I am recognized as one of the committee. It will be the bill that was offered by Mr. TILSON, the leader on the Republican side, excepting that I shall strike out the provision which was defeated yesterday, offered by the gentleman from Illinois [Mr. MADDEN]. That

related to the New Madrid and the Bonnet Carre propositions. That is stricken out. Otherwise it will be the Tilson proposition which will be read from the desk at that time. I do this in advance so that all the Members will understand what the motion to recommit includes.

Mr. NEWTON. Did I understand the gentleman to say that in the motion to recommit there will be included the proposition which was submitted by the gentleman from Illinois [Mr. MADDEN]?

Mr. FREAR. No; that will be eliminated, but all of the other sections will relate to the position taken by the gentleman from Connecticut [Mr. TILSON] as to what is understood to be the agreement with the Attorney General, and that will be the motion that will be offered.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Illinois has offered an amendment, which the Clerk will report.

The Clerk read as follows:

Page 10, line 9, after the word "tributaries," change the colon to a semicolon and insert the following: "and the reports thereon, in addition to the surveys provided by said House Document 308, Sixty-ninth Congress, first session, shall include the effects on the subject of further flood control of the lower Mississippi River to be attained through the control of the flood waters in the drainage basin of the tributaries by the establishment of a reservoir system; the benefits that will accrue to navigation and agriculture from the prevention of erosion and siltage entering the stream; a determination of the capacity of the soils of the district to receive and hold waters from such reservoirs; the prospective income from the disposal of reservoir waters; the extent to which reservoir waters may be made available for public and private uses; and inquiry as to the return flow of waters placed in the soils from reservoirs; and as to their stabilizing effect on stream flow as a means of preventing erosion, siltage, and improving navigation."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. RAGON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Arkansas moves to strike out the last word.

Mr. RAGON. The first part of this section, as you have completed it, provides for flood projects on these different tributaries. Now, is it the committee's idea that these flood projects should be held back until after they have made surveys of the power potentialities, soil analysis, and the reclamation features of this bill, or is it the idea of this committee that these flood-control surveys shall progress independently, and that they will bring in the flood-control projects whether these other surveys are completed or not?

Mr. REID of Illinois. I am not doubtful about it.

Mr. RAGON. I do not believe you intend to have any such idea.

Mr. REID of Illinois. I do not have, and I do not intend to have.

Mr. RAGON. General Jadwin has suggested that perhaps these surveys under the House document mentioned here might require as long as five years, and in some cases 10 years.

Mr. REID of Illinois. It is intended that they shall have five years' protection, and in the meantime that the surveys will be expedited.

Mr. RAGON. Surveys for the flood projects?

Mr. REID of Illinois. For all the flood projects enumerated.

Mr. RAGON. Then it is your purpose, and the purpose of the committee, not to have them report on a flood project before they shall have a report on these other projects in the House document?

Mr. REID of Illinois. The committee's amendment contemplates flood-control projects authorized by this section, which takes in all the Mississippi Valley.

Mr. RAGON. Then I take it that the purpose of the committee is to develop these flood-control projects and bring them in at the earliest possible moment?

Mr. REID of Illinois. What the committee proposes and my notion is that as fast as one survey is completed it should be brought in here and acted upon by Congress. That is my idea.

Mr. RAGON. On the Arkansas it would delay a flood project for five years, if you awaited a report on the other projects.

Mr. REID of Illinois. Everyone has confidence in the President and in the Secretary of War and the engineers.

Mr. RAGON. I think the understanding that we have here ought to help the engineers in carrying out the provisions of the section.

Mr. REID of Illinois. I think the work should go on as fast as possible, and if you put in too many details you delay the progress.

Mr. RAGON. I am keeping details out of it. I would make it strictly a flood-control proposition.

Mr. SHALLENBERGER. So far as this particular point is concerned, this survey has no relation whatever to matters of reservoirs?

Mr. REID of Illinois. Oh, yes.

Mr. SHALLENBERGER. I can not find the word "reservoir" in it.

Mr. REID of Illinois. It is there.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. COOPER of Wisconsin. The amendment contains no reference, apparently no provision, for surveys to determine the possible development of power.

Mr. REID of Illinois. That is provided for in the act of January 21, 1927, referring to power. But this is to expedite the flood control part of the act of January 21, 1927.

Mr. COOPER of Wisconsin. I was interested to learn why everything in the way of survey as to possible power was eliminated.

Mr. REID of Illinois. The act of January 21, 1927, was a power survey act.

Mr. COOPER of Wisconsin. In a great many printed statements that I have read it was suggested that the power interests would not permit a proposition to be enacted for surveys with a view to possible power development.

Mr. REID of Illinois. Nobody has tried to influence the committee in any way in regard to that.

Mr. COOPER of Wisconsin. There has been such a change here and such a careful elimination of reference to possible power development that to me it would look as though possibly some of these accusations were true. Otherwise why this careful omission of everything about power?

Mr. SINCLAIR. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. SINCLAIR. There is a sentence in the amendment which can be construed to mean that it would cover power surveys.

Mr. COOPER of Wisconsin. Will the gentleman read it?

Mr. SINCLAIR. It is in line 21, page 12 of the bill that I have here. It says:

The prospective income from the disposal of such waters including both agriculture and power; they shall inquire as to the return flow value of waters placed in the soils from reservoirs, as to their stabilizing effect on stream flow as a means of preventing erosion and silting and improving navigation conditions, and shall determine to what extent reservoir waters may be available for municipal and domestic uses and to what extent reimbursive.

It is assumed that that would cover all propositions of reservoirs for power.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BLACK of Texas. Mr. Chairman, may we have the amendment read again?

The CHAIRMAN. Without objection, the amendment will again be read.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 10, line 15, after the word "authorized," insert the words "in section 1 of this act."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOWARD of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOWARD of Oklahoma: Line 20, page 10, after the word "section" insert "Provided further, That the flood surveys herein provided for shall be made simultaneously with the flood control on the Mississippi River provided for in this act, and if

said surveys made on these tributaries shall disclose any flood-control project which in the judgment of the commission here provided for will be effective in controlling or assisting in controlling the floods on the Mississippi River, the said commission is hereby empowered, with the approval of the President, to include such flood-control projects as a part of the work of controlling floods on the Mississippi River, and there is hereby made available for such purpose or purposes any part of the moneys for flood control on the Mississippi River authorized to be appropriated by this act."

Mr. HOWARD of Oklahoma. Mr. Chairman and gentlemen of the committee, we of the tributaries appreciate very much the section that has been placed in this bill relating to them. We believe it is the most important section in this bill, and I am seeking by my amendment to make this section available, if the commission and the President of the United States shall find them of benefit to the entire people of the Nation.

Now, Mr. Chairman and gentlemen of the committee, there are many of us who yet believe that the control of the tributaries by reservoirs would be the economical and best means of controlling the Mississippi. All the way through the evidence before the Flood Control Committee has run the information that not only would reservoirs be economical but that they will do what is required.

Only yesterday you were shown here that reservoirs on these rivers would have reduced the flood in the Mississippi 17 feet last year and had the flood been reduced in the Mississippi 17 feet you would not have had the flood you are now attempting to take care of. Not only that, Mr. Chairman and gentlemen of the committee, but I am only trying to do in this amendment what we did yesterday when the suggestion of the chairman of this committee was adopted, as found on page 2, line 16, whereby we put it into the power of the President of the United States to select the plans that had been offered by either Jadwin or the Mississippi River Commission. Now, I am by this amendment simply offering the President and that commission another way and another plan to wholly or partly solve this problem, if the commission, in its judgment, reports such a plan to the President and the President approves of that plan. We are not appropriating another cent; we are not mentioning reservoirs in this amendment; we are simply broadening this act in order to give the President the opportunity, if he sees fit, to build a reservoir here or yonder and, perhaps, cut out some expensive spillways.

I want to say to my friends on the Democratic side of the House, if I may, that we hear it said the President may veto this bill if my amendment goes in; they have said that about every amendment that has been put into this bill, but we of the tributaries, who suffer just as much as you do, have voted for your amendments, and we were much surprised yesterday when you turned your backs on your allies. We hope you will not do it to-day. I hope the chairman will accept this amendment and only give us one other opportunity to economically control the floods on the Mississippi and at the same time control them for the people on the tributaries, who are just as much entitled to that control as the people on the lower Mississippi. [Applause.]

Mr. WINGO. Mr. Chairman, I would like to have the attention of the gentleman from Illinois [Mr. REID] and the other members of this committee. Now, gentlemen, we want the members of the Committee on Flood Control, as well as all Members of the House, to notice what this amendment does.

I challenge any man who is opposed to the whole bill to give any reason why he should oppose this amendment. It does not authorize the expenditure of another dollar; it does not authorize the creation of any new project; all on earth it does, gentlemen—and it does not mention reservoirs—is that the surveys which are being made on these tributary projects shall be carried on simultaneously with the principal work. Listen:

Provided further, That the surveys herein provided for shall be made simultaneously with the flood-control work on the Mississippi River provided for in this act.

Remember, now, that this must not only be recommended by the engineers but must be approved by the President. And if those surveys—do what? If those surveys made on these tributaries—

shall disclose any flood-control projects which, in the judgment of the commission herein provided for, would be effective in controlling or assisting in controlling floods on the Mississippi River, the said commission is hereby empowered, with the approval of the President, to include such flood-control projects as a part of the work of controlling floods on the Mississippi River.

In other words, what does it do? Gentlemen, you may be against the whole bill and yet you can vote for this amendment, and the committee which reported this bill can vote for it,

because what does it do? It meets the very objection that was brought out in the colloquy between the chairman of the committee [Mr. REID] and my colleague [Mr. RAGON] a while ago. The gentleman from Illinois said that if the amendment he had offered was not definite enough to prevent these long delays he would be willing to accept an amendment which would cover that. This amendment does it.

Let us look at the amendment which has just been adopted by the committee. Turn to page 7031 of the RECORD and I will show you that this amendment is vitally necessary, if you do not want to make the people in those parts of the Red River and the Arkansas River, who stood the major part of the losses of life and of property—if you do not want to make them wait, in the language of the engineers, from 5 to 10 years before we get any report on their projects, then you must adopt this amendment. Turn to the RECORD and I will prove my assertion. Turn to the RECORD, page 7031, and look at the amendment you have just adopted, and to which this amendment is a proviso. It comes in the bill at page 20. Now, listen:

And the reports thereon—

I am reading from the amendment, along about the middle of the first column on page 7031.

And the reports thereon—

What reports? The reports on these tributary projects—shall include—

What?

shall include the effect on the subject of further flood control of the lower Mississippi River to be attained through the control of the flood waters in the drainage basins of the tributaries by the establishment of a reservoir system; the benefits that will accrue to navigation and agriculture from the prevention of erosion and siltage entering the stream; a determination of the capacity of the soils of the district to receive and hold waters from such reservoirs; the prospective income from the disposal of reservoir waters; the extent to which reservoir waters may be made available for public and private uses; and inquiry as to the return flow of waters placed in the soils from reservoirs; and as to their stabilizing effect on stream flow as a means of preventing erosion, siltage, and improving navigation.

This is to be accomplished through investigations which the Army engineers say will take from 5 to 10 years. Now, you have just adopted an amendment which says to the engineers, "You can not bring in these flood-control projects on the Arkansas and the Red Rivers until you do"—what? "Until you include in them certain data which it will take you years to prepare."

It will take from 5 to 10 years to get it. Gentlemen, it is vital to us on the Arkansas and Red to put in this amendment. Whatever side you are on, whether you are with the President or against the President, you certainly can agree to this proviso going into the bill.

If they are going to have these surveys of the tributary projects, in the name of fairness, ought you not to provide that they carry on the work simultaneously with respect to these projects, and in doing this, if they do find that any of these projects will be effective in assisting in your major project, then the engineers, with the approval of the President, certainly should be authorized to carry on that work and coordinate it.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. RAGON. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. DENISON. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. DENISON. The gentleman is ordinarily very cautious about entering upon great projects of this kind. Does not the gentleman think it would be unwise for Congress to instruct any of its representatives to enter upon a proposal of this kind without knowing anything about what it is going to cost?

Mr. WINGO. Listen—you do not do that.

Mr. HOWARD of Oklahoma. Did you not do that yesterday?

Mr. DENISON. Oh, no.

Mr. HOWARD of Oklahoma. Yes; you did.

Mr. WINGO. You do not do that under this provision any more than you have already done it, because the authorization goes back to and is limited by the exact provision to the sum you have authorized as part of the original appropriation in section 1 of the bill.

Mr. DENISON. Yes; that is for the surveys, but this amendment will instruct the President, or authorize the President and

the Secretary of War, to enter upon this program if they find from this survey that control of the tributaries will aid in the control of the floods, and so forth.

Mr. HOWARD of Oklahoma. Is not that also true with respect to the New Madrid project in which the gentleman is interested?

Mr. DENISON. Suppose the survey should show that the cost would be two or three billion dollars; does not the gentleman think Congress ought to reserve the right to decide at a later date whether we should enter upon the project or not?

Mr. WINGO. My friend, all of us might agree in the abstract to the proposition the gentleman has just laid down. We can suppose any kind of proposition, but with my knowledge of the President of the United States, his whole fight is to do what? To guard against the thing you point out as a possibility, and you tell me that by this amendment I will authorize the President to do something that is the very basis of his opposition to the proposition. I can not conceive of that.

Mr. DENISON. But if we adopt the amendment we instruct him to go ahead with it whether he wants to or not.

Mr. WINGO. Not only have the Army engineers got to approve but they have got to say that it is a necessary part of the work that you authorize them to do upon the Mississippi; and, in addition to this, the President of the United States has got to do it. My friend, I have great admiration for the President of the United States—

Mr. DENISON. I understand—

Mr. WINGO. Let me finish. I have great sympathy with his desire and his sense of responsibility to protect the Treasury against extravagant expenditures. I would not support this amendment until the gentleman from Oklahoma wrote upon the margin in pencil that it had to be approved by the President of the United States.

All on earth I ask you to do, my friends, is not to say positively as you have already done that we on the Arkansas and the Red shall have to wait from 5 to 10 years before Congress will even consider what the engineers may recommend.

We only ask you to say this much. If the engineers find that by going up a little farther on the Arkansas, the Red, the Missouri, the White, the Ohio, and all the others, it will aid and be necessary and effective in the Mississippi River project proper—then if the engineers so find, what is the President of the United States to consider or what will he say? He will say, "If it is not too extravagant, if it is not too expensive, if the engineers are ready, then I will approve it." They can not spend one dollar under this amendment unless the President of the United States O. K'd the finding and directed that it be done.

I have appreciated the difficulties that confront you, but it is a serious thing to those of us on the Arkansas and the Red and some of the other rivers. It is uncontradicted by the record that the major part of the loss of property and of life in Arkansas was outside of the backwaters down there on the Mississippi River. We have gone along and we have tried to be reasonable. We at first thought we ought to be a part of the original project, but when you refused that and said we must survey the tributaries first, then we said, "All right; of course, you have got to have surveys made," but just a moment ago what have you done? You have said that these reports of these surveys shall include certain things which the engineers have told you they can not get under 5 or 10 years, and this means, so far as this bill is concerned, if you do not adopt my amendment the tributaries get absolutely no assurance in this bill. [Applause.]

Mr. SNELL. Mr. Chairman, this is exactly the same proposition, although couched in a little different language, that was before the committee on yesterday. I am not speaking against the adoption of this amendment at this time as a man who is opposed to the reservoir scheme, because I am one of the men in this House who has always believed in the reservoir scheme. However, I am opposed to this amendment at this time, for this reason: It transfers to the President of the United States a larger power than has ever been transferred to him since I have been a Member of Congress or has ever been even suggested, and some of the people who are now proposing this amendment have guarded most earnestly the power of the House at all times in the past, and generally would be the first to object to any such wholesale transfer of power.

This is not a small proposition. This is bigger than the main proposition contained in the bill itself, and here it is proposed to adopt it as a simple amendment without consideration or information. Every investigation that has been made by Army engineers or by private engineers admits that the cost of proper river regulation controlled by a reservoir system will go into billions of dollars.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. SNELL. Not just now. I am not sure that it will not pay, but when these examinations are made and when the recommendations are ready, I want them submitted to this House to let us pass upon them in the usual way. Give them the consideration matters of such importance are entitled to receive. Perhaps the cost will be so out of proportion that Congress would not consider it at all. No man would think of giving such authority to any executive, and I am mighty sure no executive would want it.

Now I yield to the gentleman from Oklahoma.

Mr. HOWARD of Oklahoma. Has the gentleman any record where the private engineers have made an estimate that this will cost billions of dollars?

Mr. SNELL. No; but I know that estimates have been made running into a tremendous sum and the estimates of the Army engineers go over a billion dollars.

The gentleman from Oklahoma said that this was the same power given the President in the early part of the bill. I do not so understand it. We gave power to the commission of which the President is a member or has a member to simply synchronize the conditions between the two plans now before Congress; that is all the power we gave him. We did not give him power to adopt anything new.

Mr. HOWARD of Oklahoma. The gentleman would accept the amendment as to the work going on at the same time the Mississippi flood-control work is going on?

Mr. SNELL. I have no objection to that part of the amendment, but at the same time I am opposed to so amending the bill as to put anyone in the power of pledging the country to a billion-dollar expense without the approval of Congress, and I am a friend of flood control.

Mr. HOWARD of Oklahoma. The reservoirs are not mentioned in my amendment. They might find that spillways would do the work. We can show a place on the Red River where with a spillway of 10 miles they can turn all the water away from the Red River.

Mr. SNELL. The gentleman's amendment authorizes the adoption of any project that this commission and the President may see fit to adopt. It makes no difference what it is if it can aid flood control, and it makes no difference what it costs. There is no doubt but that it may aid in flood control, yet I am opposing the granting authority to adopt a blanket proposition.

Mr. DENISON. I have never heard any doubt by the engineers that it would aid in flood control.

Mr. SNELL. No man knows how far afield it would go and I think it would be a very foolish policy to adopt the amendment at this time. I say to you people who live in the Mississippi River Valley that it is going to be a serious proposition for your flood control if this amendment is adopted.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SNELL. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. WHITTINGTON. The last part of the proposed amendment to which the gentleman objects and which I understand the gentleman from Oklahoma is willing to modify or withdraw is that provision which would make available for construction of any project the entire authorization of this bill; they could authorize the expenditure of \$325,000,000 carried in the bill, and more, without a report to Congress?

Mr. SNELL. If they saw fit to do so they could spend every dollar up in Arkansas on the Arkansas River.

Mr. HOWARD of Oklahoma. Could not they spend every dollar of the money on the gentleman's project up in Cairo?

Mr. SNELL. I think not, because this is a definite project, and it is a small amount.

Mr. WHITTINGTON. This bill authorizes the expenditure of \$110,000,000 to \$150,000,000 in aid of navigation. If this amendment is adopted the \$110,000,000 or \$150,000,000 that is provided for the aid to navigation could be utilized for reservoirs?

Mr. HOWARD of Oklahoma. The money provided to protect Mississippi by the unnecessary spillways could be expended for reservoirs.

Mr. SNELL. I want to make it clear to the House what you are doing, if you adopt the proposed amendment. You are authorizing and committing the Government to the reservoir proposition without any definite plan whatever. You could not demand that it be brought back here before the money could be expended on that plan. You are voting for a pig in a bag, for nobody knows anything about it at the present time. It would absolutely destroy the purpose of the original bill.

Mr. HOWARD of Oklahoma. Is not the gentleman insisting that we are voting for a pig in a bag upon the whole bill?

Mr. SNELL. Not entirely. I am an earnest supporter of flood control and have been earnestly endeavoring to bring it about. This bill does not wholly meet with my approval, but on the whole it has many good features.

Mr. RAGON. Will the gentleman yield?

Mr. SNELL. I will.

Mr. RAGON. The gentleman would not object to the provision which provides for surveys to commence at the same time the work on the other surveys is begun?

Mr. SNELL. I do not object to that part of the amendment if all the rest is cut out, so far as I am individually concerned, because I am a friend of the general proposition; but I am bitterly opposed to adopting a proposition of that kind without knowing what we are doing. It is important that it should come back to Congress and that Congress should act upon it at that time.

Mr. RAGON. Suppose they should make this survey and it should develop that it was not any more expensive; might it not be a good thing to adopt that?

Mr. SNELL. It might be; but let it come back and be brought before the House and let us definitely discuss it at that time.

Mr. RAGON. That would suit me exactly; but that is not what we have before us.

Mr. SWANK. Mr. Chairman and gentlemen of the committee, on the 5th day of January, 1928, I called your attention to the necessity of enacting legislation on flood control, and stated that this subject and farm relief would be the leading measures for our consideration during this session of Congress. We now have a bill for the control of floods on the Mississippi River and its tributaries before us, and next week we will consider a farm relief bill. If these two bills are enacted into law, this session will go down in history as one of the most important Congresses ever assembled in this country. Nothing is now engaging the attention of the country as are these two bills, and they affect the country as a whole. These bills are not sectional nor political. The Committee on Flood Control has done most important and industrious work in framing a bill for our consideration, and if enacted into law will be of great benefit to our people, and will do much to prevent disastrous floods in the future and the destruction of life and property.

When we consider the fact that the floods last summer in the Mississippi River system affected 31 States of this Union, 41 per cent of the total area of the United States, covered 12,500,000 acres of good land, made 600,000 citizens homeless, and damaged property to the extent of more than \$400,000,000, it is time that a solution in the control of these flood waters be found, or at least that the best possible start be made. In addition to this great destruction interstate commerce was interfered with and our mail suspended, and all of these items taken into consideration, it has become a national problem commanding the best attention of our ablest minds.

Mr. Chairman, the report of the Committee on Flood Control shows that in my own State of Oklahoma damage was done by this flood to the extent of more than \$20,000,000 on the Arkansas River and its tributaries alone. In addition to this damage we also suffered greatly from the floods on the Red River and its tributaries. The evidence presented to the committee shows that if these flood waters are controlled on the tributaries that it will affect the flow on the Mississippi. If these waters are held back from the Mississippi, it will decrease the floods on that river. It is just as important and necessary to have the floods controlled on these streams, to protect life and property, as it is on the lower Mississippi, and the committee recognizes that fact. In the Sixty-eighth Congress I introduced a bill for a survey on the South Canadian, North Canadian, Cimarron, and other rivers in Oklahoma for flood-control purposes. Provision for these surveys was in the bill that was enacted into law and approved May 31, 1924. The Arkansas River was also included, and provision for the Red River in Louisiana, Arkansas, Oklahoma, and Texas was included later. This was the beginning, and we now have the opportunity before us for real legislation looking to the control of these floods, and if this bill becomes a law we will afford our people real assistance.

When we study the question and look to the destruction caused on these streams last year, consider the evidence presented to the committee, we must come to the conclusion that the levee system alone will not do the work, but that the headwaters must also be controlled and prevented from entering the Mississippi during flood seasons. This can be accomplished by the use of reservoirs and storage basins in connection with

the other plans. In so far as flood control alone is concerned, I believe the entire cost should be borne by the Federal Government, for it is a Federal question and affects all our citizens. All the money will not be spent in any one year, but sufficient appropriations should be made each year to carry the plans to completion just as speedily as possible. Whatever the entire cost may be, it will be spread out over a number of years.

This bill creates a board consisting of the Secretary of War, the Chief of Engineers, the president of the Mississippi River Commission, and two civil engineers chosen from civil life, to be appointed by the President, by and with the advice and consent of the Senate. The bill provides for work on the Mississippi and provides that all diversion work and outlets constructed shall be built in a manner which will amply protect the adjacent lands as it is protected by levees on the main river. The bill authorizes an appropriation of \$325,000,000 and provides that just compensation shall be paid by the United States for all property taken, damaged, or destroyed in carrying out the plan in the bill. Five million dollars is authorized to be appropriated as an emergency fund for rescue work or in repair or maintenance of any flood-control work on any tributaries of the Mississippi River threatened or destroyed by flood. This is an excellent provision of the bill.

The bill provides that projects for flood control on all tributary streams of the Mississippi River system subject to destructive floods shall be prepared and submitted to Congress at the earliest practicable date. Under the terms of the bill these projects shall include the following: The Red River and tributaries, the Arkansas River and tributaries, in addition to tributaries in other States. This provision includes the South Canadian, North Canadian, Cimarron, Washita, and other rivers in Oklahoma, and \$5,000,000 is authorized in the bill in addition to the amounts authorized in the rivers and harbors act of January 21, 1927, for the preparation of the flood-control projects authorized in the bill in reference to these tributaries.

The bill provides that the President shall at once proceed to ascertain, through the Secretary of War or other agency, the extent to which floods in the lower Mississippi Valley may be controlled by a reservoir system. Under this provision the agencies shall invite the aid of State engineers, university and technical men, and State officials. These studies shall include the effect on flood control in the lower Mississippi River in the drainage basins of its tributaries by the establishment of a reservoir system, the benefits that will accrue to navigation, agriculture, and power, and kindred questions.

The bill also provides that as soon as the studies of reservoirs shall have been completed and approved by the Secretary of War or other agency, with definite estimates of cost and working data, they shall be reported by the Secretary of War or other agency to the President of the United States, with all related findings and conclusions, and on his order the Secretary of War or other agency shall proceed with the construction of such reservoirs as soon as money is available for such purposes, provided the President concludes that such construction will have a substantial and beneficial influence in the control of floods on the navigable waters of the lower Mississippi Valley, and is economically justifiable. Provision is made that when any reservoir is completed the Secretary of the Interior shall have authority to dispose of any impounded waters, under rules made by him and approved by the President.

Mr. Chairman, the bill provides that aid shall be asked of State engineers and university men, and that is a most excellent provision, for the board will certainly consider recommendations made by such engineers who are just as able as those employed as Army engineers or by any other department of our Government. This aid would not be asked and then disregarded. By this provision, and other provisions in the bill, I feel that we will make a real start by the enactment of this bill into law. Testimony and estimates by competent and reliable engineers were presented to the committee during the hearings on this bill, that showed that 200 reservoirs and storage basins could be constructed in Colorado, New Mexico, Texas, Kansas, and Oklahoma at a cost of \$130,000,000, which reservoirs would make the Arkansas and Red Rivers harmless during the flood seasons, and which would prevent this water from flowing into the Mississippi to such an extent as to affect the floods on that river. This would not only relieve the States mentioned but would also greatly assist in controlling the floods on the lower Mississippi.

The committee report says that in the consideration of any comprehensive plan of flood control on the Mississippi River, it is almost elemental to state that regard must be given to the contributory effect of the tributaries. The report says:

Nor is there any lack of expression on the part of eminent engineers of wide and extensive experience to the effect that an investigation of the

flood problem on the Mississippi River, that is limited in scope to the application of suggested works along that river and its contiguous banks, can not be classed as an intelligent and thorough treatment of the subject.

This report further says:

The ultimate solution of the flood problem of the valley must include as well the possible use of flood-control works on these tributaries at their source or between their source and mouth. In the 1927 flood the tributaries contributed more than three-fourths of the flood waters.

The committee says that it is of the opinion that the floods of the lower Mississippi Valley can be controlled by impounding the headwaters of the tributaries, and that if this can be accomplished at a cost not in excess of other proposed plans, the resulting benefits will be far greater, not only to the lower valley but also to all the territory adjacent to the location of the various reservoirs.

The committee report makes the following statement:

The engineering profession, including civil and Army, are in accord on the theory that the ideal method of controlling floods is through the use of reservoirs by means of which waters are impounded and controlled in the source streams.

I believe a careful study of the evidence given the Committee on Flood Control during its extensive hearings, will convince any reasonable person that the construction of reservoirs will greatly relieve floods on the Mississippi and that the cost will be a small item when compared to the destruction of life and property by floods in the Mississippi River system. Many times in the past Congress has made large appropriations for the assistance and relief of our people, and let us not adjourn this Congress without an adequate law for relief from these disastrous floods. We should do everything that we possibly can do, that such destruction will never happen again.

As the levee system has failed in the control of these great floods and in the relief of our citizens, let us try spillways and reservoirs in connection with the levee system. Remember that the people in the States affected by the floods on the tributaries are just as much entitled to protection as are those who live upon the Mississippi proper. The legislation should apply to all our people alike and not alone to those of one section. The evidence shows that this plan is feasible and workable. There are changes that I would make in the bill, but this will be a good beginning and amendments can be added later as they become necessary. It is impossible to get everything that each Member of Congress would like to have in the bill, and I believe the plan outlined in the bill now under consideration should be tried. I am interested in the work on the lower Mississippi, and am especially interested in having the tributaries also protected. I hope the bill will soon be passed by both Houses of Congress and that the President will approve the measure, that work may be commenced in the near future for the protection of the people of this country. [Applause.]

Mr. WILLIAM E. HULL. Mr. Chairman, so far I have not said anything with reference to this bill, and I shall confine my remarks now to this point. This bill, so far as it has gone, is a good bill. The amendments that have been put in the bill are satisfactory to the administration.

Mr. FREAR. Just a moment—

Mr. WILLIAM E. HULL. Not you. I am talking about the administration.

Mr. FREAR. Will the gentleman yield?

Mr. WILLIAM E. HULL. No.

Mr. FREAR. That statement is not correct.

Mr. WILLIAM E. HULL. I do not yield. This bill has been amended along lines as has been stated that will meet the approval of the President of the United States. So far we have avoided any loopholes or any amendments that might cause the bill to fail. You people of the South must realize that you are now going toward a proposition that gives you flood control. Reservoirs are a part of flood control. Reservoirs will assist flood control, but the very fact that all of the reservoir part of this bill was taken out because those of us who are interested in flood control realize that if we put it in we would have the bill killed, ought to have some weight with you gentlemen now, and I beg of you men, Republicans as well as Democrats, to kill anything further with reference to any kind of an amendment that has not been acted upon and approved by the committee which has worked so hard to bring this bill on the floor in a proper manner.

I say to the Republicans of the House that I believe, as far as this bill has gone, with the present amendments, that the bill is a good bill. I do not believe that anyone belonging to the Republican Party can afford to vote against the bill, but I am opposed to putting in amendments that will endanger its passage and the signature of the President of the United States. I hope that you will vote this amendment down.

Mr. FREAR. Mr. Chairman, I have never assumed to speak for the administration. I am sure that a gentleman who has not been on the committee, who has not been in sympathy with part of the measure relating to method of acquiring flood ways that we have tried to put through—and I know that Mr. Tilson and the administration have tried to put it through—can not speak for the administration at this time when he says that the administration is in favor of this bill as it stands. We feel that the large proposition in the bill is the question of the purchase of lands. I am not expressing any opinion on this as to the attitude of the administration. Everyone has a right to use his own judgment, but the bill is not satisfactory. I do not believe it is satisfactory to the administration. That is the reason that the motion to recommit will be offered. Otherwise, it would be a useless performance to offer it.

Mr. WINGO. Mr. Chairman, I am going to offer the following substitute for the pending amendment, and I think it can be accepted by all:

Provided further, That the flood surveys herein provided for shall be made simultaneously with the flood-control work on the Mississippi River provided for in this act.

That is not what I think we ought to have; but if it is the best we can get, with the present temper of the House, we will take that.

Mr. SNELL. Ask to withdraw the other amendment.

Mr. WINGO. Will the gentleman from Oklahoma accept that substitute?

Mr. HOWARD of Oklahoma. Yes.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to substitute this proposition just read for the pending amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the substitute.

Mr. WHITTINGTON. Mr. Chairman, I ask that the amendment as substituted be reported.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Provided further, That the flood surveys herein provided for shall be made simultaneously with the flood-control work on the Mississippi River provided for in this act.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WINGO. Mr. Chairman, it is thought that this is the best we can get, and we shall have to take it.

Mr. HASTINGS. Mr. Chairman, I want to say just one word further. I believe the amendment of my colleague [Mr. HOWARD] ought to have been adopted by this House. I believe it would strengthen this bill. I believe that it would not incur the displeasure of the President. I think it would strengthen this bill on the final vote in this House, and in the event of the President's disapproval I think it would strengthen the bill then. Other Members on the floor of the House who are friends of flood-control legislation think differently, and in these circumstances, against my judgment, I am willing to yield to them.

We are in a desperate situation up on these tributaries. We have suffered tremendously. A great many Members of this House do not know how much damage we have suffered upon the Arkansas River. We have suffered there, and they have suffered upon the Missouri, and on other tributaries of the Mississippi River almost if not quite as much as those on the lower reaches of the Mississippi River. We have the advice of some of the best civil engineers in the country, and they are of one opinion and agree that the reservoir plan will aid flood control on the lower Mississippi and at the same time it will help us upon the main tributaries, including, of course, the Arkansas River and its contributing streams.

This amendment embodies what we have been asking for. This amendment is what we want. We believe that this work ought to go forward simultaneously. We are trying to offer an additional and supplemental method of flood control. We have been trying for a hundred years the levee system on the lower Mississippi, and it has been inadequate. You are now going to try your levee system and your spillway system. All that my colleague asked for in his amendment was to give to the Board of Engineers and the President of the United States, provided it was acceptable to the President, the right to try out this other method. Suppose that in the investigation that is to be made it is found that flood control on the lower Mississippi can be more adequately and more effectively and more economically obtained by the reservoir plan—all that this amendment does is, if the President approves the project, to provide that it may go forward out of the money authorized to be

appropriated in this bill. The substitute amendment helps to the extent that it expedites the work. The original amendment as offered would proceed with each project as and when approved by the President.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

Mr. HOWARD of Oklahoma. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HOWARD of Oklahoma. Mr. Chairman and gentlemen of the House, as explained by my colleague from Oklahoma [Mr. HASTINGS], we have seen fit to accept this substitute, although we do not think it is all that we on the tributaries are entitled to. However, we have accomplished by the offering of this amendment, if you adopt this substitute, a thing the lack of which has handicapped flood control on the tributaries all these years. By forcing those in authority to now, under this amendment, go to work instead of stalling off the people of the tributaries by reason of not having authority and instructions on the subject we have made a very considerable gain in our fight for flood control on the tributaries.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas [Mr. WINGO] to the amendment offered by the gentleman from Illinois [Mr. REID].

The question was taken, and the Chairman announced that the yeas appeared to have it.

Mr. HOWARD of Oklahoma. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 151, yeas, 0.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Illinois as amended.

The question was taken, and the amendment as amended was agreed to.

Mr. LEAVITT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 10, after the amendment of Mr. WINGO just adopted, insert as a further provision: "The President shall proceed to ascertain from the Secretary of Agriculture the extent to and manner in which the floods of the Mississippi Valley may be controlled by proper forestry practice."

Mr. LEAVITT. Mr. Chairman, the purpose of this amendment is not to add the expenditure of a single cent under the appropriations provided in this bill. It has this purpose, however, that there shall be written into this measure, which is the greatest and most important flood-control measure ever considered by this Congress, and thus into the national policy, an acceptance of the principle that any flood-control plan to be final and ultimately effective, must include forestry practice at the heads of all streams involved. It adds only one thing, that the President shall proceed to secure information from the Secretary of Agriculture, under whose supervision comes the Forest Service and other agencies having correct and scientific information in regard to the forestry problem, and to coordinate and consider that information in connection with this entire effort to control the floods of the Mississippi River.

We have at the present time the Clarke-McNary law, and the Weeks law, and we have the McSweeney-McNary bill and the McNary-Woodruff bill now in process of enactment; to authorize the appropriations necessary to do this work. But we need to have the problem studied in connection with flood control in order that the steps taken may be most constructive and that they may prove most valuable and effective in connection with the Mississippi River floods, and especially that forestry may be given its proper place in the ultimate plans of all flood control.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Montana.

The question was taken; and on a division (demanded by Mr. DRIVER) there were—ayes 112, yeas, 22.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 11. That the Secretary of War shall cause the Mississippi River Commission to make an examination and survey of the Mississippi River below Cape Girardeau, Mo., (a) at places where levees have heretofore been constructed on one side of the river and the lands on the opposite side have been thereby subjected to greater overflow, and where, without unreasonably restricting the flood channel, levees can be constructed to reduce the extent of this overflow, and where the construction of such levees is economically justified, and report thereon

to the Congress as soon as practicable with such recommendations as the commission may deem advisable; (b) with a view to determining the estimated effects, if any, upon lands lying between the river and adjacent hills by reason of overflow of such lands caused by the construction of levees at other points along the Mississippi River, and determining the equities of the owners of such lands and the value of the same, and the commission shall report thereon to the Congress as soon as practicable with such recommendation as it may deem advisable: *Provided*, That inasmuch as the Mississippi River Commission made a report on the 26th day of October, 1912, recommending a levee to be built from Tiptonville, Tenn., to the Obion River in Tennessee, the said Mississippi River Commission is authorized to make a resurvey of said proposed levee and a relocation of the same if necessary, and if such levee is found feasible, and is approved by the board created in section 1 of this act, the commission is authorized to build same out of appropriations hereafter to be made.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REID of Illinois: Page 11, line 22, after the word "act" strike out the words "the commission is authorized to build same," and insert in lieu thereof the words "and by the President, the same shall be built."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. REID of Illinois. Mr. Chairman, section 12, as it originally appeared in the bill, is now unnecessary, the same subject matter being included in the amendment which I put in section 10 in regard to reservoirs. I ask unanimous consent to consider that section as stricken out.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw the committee amendment incorporating section 12 in the bill. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 12. All laws or parts of laws inconsistent with the above are hereby repealed.

The CHAIRMAN. Without objection the numbers of the sections will be made to conform with the action of the committee.

There was no objection.

The CHAIRMAN. The Chair desires to make a statement. Earlier in the afternoon he was notified of an amendment which was sought to be offered at this point in the bill but the Chair for the moment does not recall who made the suggestion. This is the time to offer the amendment in the event it is desired to do so.

Mr. GREEN. Mr. Chairman, I have an amendment I desire to offer after section 14. That section will be read later on.

The CHAIRMAN. Surely. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 14, after line 4, insert:

"SEC. 14. That the project for the control of floods in the Sacramento River, Calif., adopted by section 2 of the act approved March 1, 1917, entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," is hereby modified in accordance with the report of the California Débris Commission submitted in Senate Document No. 23, Sixty-ninth Congress, first session: *Provided*, That the total amounts contributed by the Federal Government, including the amounts heretofore contributed by it, shall in no event exceed in the aggregate \$17,600,000."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Without objection, the correction of the number of the section will be made.

There was no objection.

Mr. GREEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GREEN: On page 14, after line 15, insert a new section, as follows:

"SEC. 15. The sum of \$10,000,000 is hereby authorized to be appropriated for the control of floods in the Florida Everglades."

Mr. REID of Illinois. Mr. Chairman, I make a point of order against the amendment.

Mr. GREEN. I will ask the gentleman to reserve his point of order.

Mr. REID of Illinois. Mr. Chairman, I will reserve it.

Mr. GREEN. Mr. Chairman, I would like to say to my colleagues that the State of Florida at its last legislature authorized a bond issue of \$20,000,000, and if \$10,000,000 is appropriated by the Congress it would bring flood control in the Florida Everglades on a parity with flood control in the Sacramento Valley.

I would like to advise my colleagues that inasmuch as 31 States are benefited by flood control in the Mississippi River, and, as we acknowledge, it is a national problem, and as we are supporting it as such, it seems to me reasonable that we should consider the flood which was in the Florida Everglades only a few months ago. You have read of the destruction of life and property there, and it seems to me it is a problem which should be coped with by our National Government.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. GREEN. I gladly yield to the gentleman from New York.

Mr. WAINWRIGHT. I would like to ask the gentleman, and ask some other gentlemen, what the Sacramento River and the Everglades of Florida have to do in a Mississippi River flood control bill?

Mr. GREEN. I will say to the gentleman from New York that the State of California and the State of Florida and other States of the Union contribute to our Government the same as the 31 States in the Mississippi Valley, and I believe we ought to get in on this problem the same as the Mississippi Valley. [Laughter and applause.] I am in favor of this flood control, and I expect to vote for it. It is a national problem and we should treat it as a national problem. Likewise we should treat the Sacramento Valley and the Florida Everglades problem in a national way.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. REID of Illinois. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair is ready to rule.

The bill as originally reported to the House dealt solely with the control of floods on the Mississippi River and its tributaries. An amendment was submitted by the committee, incorporated in section 14, for the control of floods on the Sacramento River, Calif. This amendment was clearly subject to a point of order, but no point of order was made, and now it is in the bill.

The bill now contains two similar projects to control floods in two different sections of the country. It is a well-known rule of germaneness that where there are two similar projects, a third project may be added by a germane amendment. For instance, where two Territories are admitted to the Union, an amendment to admit a third Territory is in order. In the same way where authority is given for the construction of buildings in two cities it is perfectly in order to put in an amendment for a building in a third city. For this reason the amendment is in order and the point of order is overruled.

The question is on the amendment offered by the gentleman from Florida.

The question was taken; and on division (demanded by Mr. GREEN), there were—ayes 25, noes 117.

So the amendment was rejected.

Mr. LA GUARDIA. Mr. Chairman, I have an amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LA GUARDIA: On page 14, after line 15, add the following as a new section:

"SEC. 14. In every contract or agreement to be made or entered into for the acquisition of land, either by private sale or condemnation, as in this act provided, the provisions contained in section 3741 of the Revised Statutes, being section 22 of title 41 of the United States Code, shall be applicable."

Mr. LA GUARDIA. Mr. Chairman, this simply makes applicable the provisions of the Revised Statutes—section 3741—to all agreements and contracts for the acquisition of land, either by private sale or by condemnation. The provision is very short, being section 22 of title 41 of the United States Code. That is the public contract law. I will read it:

In every contract or agreement to be made or entered into or accepted by or on behalf of the United States, there shall be inserted an express condition that no Member of (or Delegate to) Congress shall be admitted to any share or part of such contract or agreement or to any benefits to arise thereupon.

I am sure no one can object to making the provisions of the Revised Statutes applicable to this law.

Mr. GRIFFIN. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. GRIFFIN. Would not that provision of law apply in any event?

Mr. LaGUARDIA. No; this is just with respect to public contracts.

Mr. GRIFFIN. Would not that apply without the enactment of this amendment?

Mr. LaGUARDIA. I do not think so, because this is a provision with respect to public contracts, chiefly for the purchase of departmental supplies, and it would not be applicable to this bill. I will say to the gentleman from New York that in order to make the provisions of this section applicable, we ought to insert my amendment in the bill. Surely it will carry out the purpose. I am sure every Member of the House is in sympathy with the provision of the Revised Statutes and that it should be made applicable to this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. REID of Illinois. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Under the rule, the previous question is ordered on the amendments. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

Mr. FREAR rose.

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. FREAR. For the purpose of offering a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FREAR. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk began the reading of the motion.

Mr. FREAR. Mr. Speaker, unless the House desires to have the motion read, I will say that it is the same that was offered by the gentleman from Connecticut.

Mr. BANKHEAD. Let the motion be read.

The Clerk continued the reading.

Mr. McKEOWN. Mr. Speaker, I ask unanimous consent that the reading of the motion be dispensed with.

Mr. FREAR. I object.

Mr. BANKHEAD. Mr. Speaker, I interposed an objection thinking that the gentleman from Wisconsin had a specific motion. I did not expect that he was going to have the whole bill read. I think the House would agree to let the gentleman state what his motion involves.

Mr. FREAR. I have already made a brief statement that this was an agreement supposed to have been reached with the Attorney General and the delegation that went to the White House. It differs slightly in some respects from the provisions of the bill. The question of the acquirement of property is the main proposal. It strikes out the Bonnet Carre spillway and the provision in relation to the New Madrid flood way which was discussed and carried by the House last night, so that is not involved.

The SPEAKER. Is there objection?

Mr. GRIFFIN. Mr. Speaker, a parliamentary inquiry. In the event that the unanimous consent is given to dispense with the reading will the motion be printed in the Record?

The SPEAKER. It can be printed in the Record.

Mr. GRIFFIN. I ask unanimous consent that it be printed.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Is there objection to dispensing with the reading of the motion?

There was no objection.

The following is the motion to recommit:

Mr. FREAR moves to recommit the bill to the Committee on Flood Control with instructions to report the bill back forthwith, and in lieu of S. 3740 insert the following:

"That the project for the flood control of the Mississippi River in its alluvial valley and for its improvement from the Head of Passes to Cape Girardeau, Mo., in accordance with the engineering plan set forth and recommended in the report submitted by the Chief of Engineers to the Secretary of War dated December 1, 1927, and printed in House Document No. 90, Seventieth Congress, first session, is hereby adopted and authorized to be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers: *Provided*, That a board to consist of the Chief of Engineers, the president of the Mississippi River Commission, and a civil engineer chosen from civil life to be appointed by the President, by and with the advice and consent of the Senate, whose compensation shall be fixed by the President and be paid out of the appropriations made to carry on this project, is hereby created; and such board is authorized and directed to consider the engineering differences between the adopted project and the plans recommended by the Mississippi River Commission in its special report dated November 28, 1927, and after such study and such further surveys as may be necessary, to recommend to the President such action as they may deem necessary to be taken in respect to such engineering differences, and the decision of the President upon all recommendations or questions submitted to him by such board shall be followed in carrying out the project herein adopted. The board shall not have any power or authority in respect to such project, except as hereinbefore provided. Such project and the changes therein, if any, shall be executed in accordance with the provisions of section 8 of this act: *Provided*, That all diversion works and outlets constructed under the provisions of this act shall be built in a manner and of a character which will fully and amply protect the adjacent lands: *Provided further*, That pending completion of the Cypress Creek or Tensas diversion and flood way the levee along the west bank of the Mississippi River within the diversion and flood way shall be completed and maintained to the 1914 grade and section on any part of the river on such west bank within said diversion and flood way where the levee has not been completed to such grade and section. The sum of not to exceed \$20,000,000 is hereby authorized to be appropriated for this purpose.

"All unexpended balances of appropriations heretofore made for prosecuting the work of flood control on the Mississippi River in accordance with the provisions of the Flood Control acts approved March 1, 1917, and March 4, 1923, are hereby made available for expenditure under the provisions of this act excepting section 14.

"SEC. 2. That it is hereby declared to be the sense of Congress that the principle of local contribution toward the cost of flood-control work, which has been incorporated in all previous national legislation on the subject, is sound, as recognizing the special interest of the local population in its own protection, and as a means of preventing inordinate requests for unjustified items of work having no material national interest. As a full compliance with this principle in view of the great expenditure estimated at approximately \$292,000,000, heretofore made by the local interests in the alluvial valley of the Mississippi River for protection against the floods of that river; in view of the extent of national concern in the control of these floods in the interests of national prosperity, the flow of interstate commerce, and the movement of the United States mails; and, in view of the gigantic scale of the project, involving waters of a volume and flowing from a drainage area largely outside the States most affected, and far exceeding those of any other river in the United States, no local contribution to the project herein adopted is required.

"SEC. 3. Except when authorized by the Secretary of War upon the recommendation of the Chief of Engineers, no money appropriated under authority of this act shall be expended on the construction of any item of the project until the States or local interests to be benefited and protected have indicated their desire for Federal assistance, by giving assurances satisfactory to the Secretary of War that they will (a) maintain all flood-control works after their completion, except controlling and regulating spillway structures, including special relief levees; maintenance includes normally such matters as cutting grass, removal of weeds, local drainage, and minor repairs of main river levees; (b) provide, without cost to the United States, such drainage works as may be necessary, and the rights of way for all levees and other structures as and when the same are required.

"No liability of any kind shall attach to or rest upon the United States for any damage from or by floods or flood waters at any place.

"SEC. 4. Any property taken by the United States for the purpose of carrying out the terms of this act, for which compensation is required by the Constitution of the United States, shall be paid for by the United States.

"The Secretary of War may cause proceedings to be instituted for the acquirement by condemnation of any lands, easements, or rights of way which, in the opinion of the Secretary of War, are needed in

carrying out this project, the said proceedings to be instituted in the United States district court for the district in which the land, easement, or right of way is located. In all such proceedings the court, for the purpose of ascertaining the value of the property and assessing the compensation to be paid, shall appoint three commissioners, whose award, when confirmed by the court, shall be final. When the owner of any land, easement, or right of way shall fix a price for the same which, in the opinion of the Secretary of War is reasonable, he may purchase the same at such price; and the Secretary of War is also authorized to accept donations of lands, easements, and rights of way required for this project. The provisions of sections 5 and 6 of the river and harbor act of July 18, 1918, are hereby made applicable to the acquisition of lands, easements, or rights of way needed for works of flood control: *Provided*, That the title to any land acquired under the provisions of this section, and used in connection with the works authorized by section 1 of this act, shall be turned over without cost to the States or local interests, which shall retain the same for the purposes specified in this act.

"SEC. 5. Subject to the approval of the heads of the several executive departments concerned, the Secretary of War, on the recommendation of the Chief of Engineers, may engage the services and assistance of the Coast and Geodetic Survey, the Geological Survey, or other mapping agencies of the Government, in the preparation of maps required in furtherance of this project, and funds to pay for such services may be allotted from appropriations made under authority of this act.

"SEC. 6. Funds appropriated under authority of section 1 of this act may be expended for the prosecution of such works for the control of the floods of the Mississippi River as have heretofore been authorized and are not included in the present project, including levee work on the Mississippi River between Rock Island, Ill., and Cape Girardeau, Mo., and on the outlets and tributaries of the Mississippi River between Rock Island and the Head of Passes in so far as such outlets or tributaries are affected by the backwaters of the Mississippi: *Provided*, That for such work on tributaries, local interests shall provide rights of way without cost to the United States, contribute 33 1/4 per cent of the cost of the works, and maintain the works after completion: *Provided further*, That not more than \$10,000,000 of the sum authorized in section 1 of this act shall be expended under the provisions of this section.

"In an emergency, funds appropriated under authority of section 1 of this act may be expended for the maintenance of any levee when it is demonstrated to the satisfaction of the Secretary of War that the levee can not be adequately maintained by local interests.

"SEC. 7. That the sum of \$5,000,000 is authorized to be appropriated as an emergency fund to be allotted by the Secretary of War on the recommendation of the Chief of Engineers in rescue work or in the repair or maintenance of any flood-control work on any tributaries of the Mississippi River threatened or destroyed by flood.

"SEC. 8. The project herein authorized shall be prosecuted by the Mississippi River Commission under the direction of the Secretary of War and supervision of the Chief of Engineers and subject to the provisions of this act. It shall perform such functions and through such agencies as they shall designate after consultation and discussion with the president of the commission. For all other purposes the existing laws governing the constitution and activities of the commission shall remain unchanged. The commission shall make inspection trips of such frequency and duration as will enable it to acquire first-hand information as to conditions and problems germane of the matter of flood control within the area of its jurisdiction; and on such trips of inspection ample opportunity for hearings and suggestions shall be afforded persons affected by or interested in such problems. The president of the commission shall be the executive officer thereof and shall have the qualifications now prescribed by law for the Assistant Chief of Engineers, shall have the title brigadier general, Corps of Engineers, and shall have the rank, pay, and allowances of a brigadier general while actually assigned to such duty: *Provided*, That the present incumbent of the office may be appointed a brigadier general of the Army, retired, and shall be eligible for the position of president of the commission if recalled to active service by the President under the provisions of existing law.

"The salary of the president of the Mississippi River Commission shall hereafter be \$10,000 per annum, and the salary of the other members of the commission shall hereafter be \$7,500 per annum. The official salary of any officer of the United States Army or other branch of the Government appointed or employed under this act shall be deducted from the amount of salary or compensation provided by, or which shall be fixed under, the terms of this act.

"SEC. 9. The provisions of sections 13, 14, 16, and 17 of the river and harbor act of March 3, 1899, are hereby made applicable to all lands, waters, easements, and other property and rights acquired or constructed under the provision of this act.

"SEC. 10. That it is the sense of Congress that the surveys of the Mississippi River and its tributaries, authorized pursuant to the act of January 21, 1927, House Document No. 308, Sixty-ninth Congress, first session, be prosecuted as speedily as practicable, and the Secre-

tary of War, through the Corps of Engineers, United States Army, is directed to prepare and submit to Congress at the earliest practicable date projects for flood control on all tributary streams of the Mississippi River system subject to destructive floods, which projects shall include: The Red River and tributaries, the Yazoo River and tributaries, the White River and tributaries, the St. Francis River and tributaries, the Arkansas River and tributaries, the Ohio River and tributaries, the Missouri River and tributaries, and the Illinois River and tributaries.

"The sum of \$5,000,000 is hereby authorized to be used out of the appropriation authorized in section 1, in addition to amounts authorized in the river and harbor act of January 21, 1927, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the preparation of the flood-control projects authorized in this section.

"SEC. 11. That the Secretary of War shall cause the Mississippi River Commission to make an examination and survey of the Mississippi River below Cape Girardeau, Mo., (a) at places where levees have heretofore been constructed on one side of the river and the lands on the opposite side have been thereby subjected to greater overflow, and where, without unreasonably restricting the flood channel, levees can be constructed to reduce the extent of this overflow, and where the construction of such levees is economically justified, and report thereon to the Congress as soon as practicable with such recommendations as the commission may deem advisable; (b) with a view to determining the estimated effects, if any, upon lands lying between the river and adjacent hills by reason of overflow of such lands caused by the construction of levees at other points along the Mississippi River, and determining the equities of the owners of such lands and the value of the same, and the commission shall report thereon to the Congress as soon as practicable with such recommendation as it may deem advisable: *Provided*, That inasmuch as the Mississippi River Commission made a report on the 26th day of October, 1912, recommending a levee to be built from Tiptonville, Tenn., to the Obion River in Tennessee, the said Mississippi River Commission is authorized to make a resurvey of said proposed levee and a relocation of the same if necessary, and if such levee is found feasible, and is approved by the board created in section 1 of this act, and by the President, the same shall be built out of appropriations hereafter to be made.

"SEC. 12. All laws or parts of laws inconsistent with the above are hereby repealed.

"SEC. 13. That the project for the control of floods in the Sacramento River, Calif., adopted by section 2 of the act approved March 1, 1917, entitled 'An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes,' is hereby modified in accordance with the report of the California Débris Commission submitted in Senate Document No. 23, Sixty-ninth Congress, first session: *Provided*, That the total amounts contributed by the Federal Government, including the amounts heretofore contributed by it, shall in no event exceed in the aggregate \$17,600,000."

The SPEAKER. The question is on the motion of the gentleman from Wisconsin to recommit the bill with instructions.

Mr. FREAR. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 206, not voting 87, as follows:

[Roll No. 70]

YEAS—139

Ackerman	Fish	Kading	Robinson, Iowa
Aldrich	Fitzgerald, Roy G.	Kearns	Rogers
Andresen	Fitzgerald, W. T.	Ketcham	Sanders, N. Y.
Arentz	Fort	Knutson	Schafer
Bacharach	Foss	Kopp	Schneider
Bachmann	Frear	Korell	Sears, Nebr.
Bacon	Free	Kvale	Seger
Barbour	Freeman	LaGuardia	Selvig
Beck, Wis.	French	Lampert	Simmons
Beedy	Frothingham	Lehbach	Sinnot
Berger	Furlow	Luce	Snell
Bowman	Gibson	McLaughlin	Speaks
Brand, Ohio	Gifford	McLeod	Sproul, Kans.
Brigham	Glynn	MacGregor	Stalker
Browne	Goodwin	Maas	Strong, Kans.
Burdick	Griffin	Mapes	Summers, Wash.
Burton	Hadley	Martin, Mass.	Sweet
Carter	Hale	Mead	Taber
Chalmers	Hall, Ind.	Merritt	Thurston
Chindblom	Hancock	Michaelson	Tilson
Christopherson	Hardy	Michener	Timberlake
Clague	Hawley	Miller	Underhill
Clancy	Hersey	Morehead	Udike
Clarke	Hickey	Morgan	Vestal
Cole, Iowa	Hoch	Morin	Vincent, Mich.
Colton	Hogg	Murphy	Wainwright
Cooper, Wis.	Hooper	Nelson, Me.	Wason
Cramton	Hope	Nelson, Wis.	Watson
Crowther	Houston, Del.	Newton	Welsh, Pa.
Davenport	Hudson	Parker	White, Me.
Dempsey	Hull, Morton D.	Pratt	Williamson
Doutrich	James	Purnell	Winter
Elliott	Johnson, Ind.	Ramseyer	Wolverton
England	Johnson, S. Dak.	Reece	Zihlman
Fenn	Johnson, Wash.	Reed, N. Y.	

NAYS—206

Abernethy	Dickinson, Iowa	Jones	Prall
Adkins	Dickinson, Mo.	Kemp	Quin
Allen	Dickstein	Kerr	Ragon
Allgood	Dominick	Kincheloe	Rainey
Almon	Doughton	Kindred	Rankin
Arnold	Douglass, Mass.	King	Rathbone
Aswell	Dowell	Langley	Rayburn
Auf der Heide	Doyle	Lanham	Reed, Ark.
Ayres	Drewry	Lankford	Reid, Ill.
Bankhead	Driver	Lea	Robison, Ky.
Bell	Edwards	Leavitt	Romjue
Black, N. Y.	Englebright	Letts	Ruby
Black, Tex.	Eslick	Lindsay	Rutherford
Bland	Evans, Mont.	Linthicum	Sanders, Tex.
Bloom	Faust	Lowrey	Sandlin
Bowling	Fitzpatrick	Lozier	Shallenberger
Box	Fletcher	Lyon	Sinclair
Boylan	Fulbright	McClintic	Sirovich
Brand, Ga.	Fulmer	McDuffie	Somers, N. Y.
Briggs	Gambrell	McKeown	Spearing
Britten	Garber	McMillan	Sproul, Ill.
Browning	Gardner, Ind.	McReynolds	Steadman
Buchanan	Garner, Tex.	McSwain	Steele
Buckbee	Garrett, Tenn.	McSweeney	Stevenson
Bulwinkle	Gasque	Madden	Summers, Wash.
Burtness	Gilbert	Major, Ill.	Swank
Busby	Gregory	Major, Mo.	Swing
Byrns	Green	Manlove	Tarver
Canfield	Greenwood	Mansfield	Taylor, Colo.
Cannon	Guyer	Martin, La.	Taylor, Tenn.
Carley	Hall, Ill.	Montague	Thatcher
Carss	Hall, N. Dak.	Mooney	Tucker
Cartwright	Hammer	Moore, Ky.	Underwood
Cellar	Hare	Moore, N. J.	Vinson, Ga.
Chapman	Harrison	Moore, Va.	Vinson, Ky.
Cochran, Mo.	Hastings	Moorman	Ware
Cohen	Haugen	Morrow	Warren
Cole, Md.	Hill, Ala.	Nelson, Mo.	Weaver
Collier	Hill, Wash.	Niedringhaus	Welch, Calif.
Collins	Holaday	Norton, Nebr.	White, Colo.
Combs	Howard, Nebr.	Norton, N. J.	White, Me.
Connelly	Howard, Okla.	O'Brien	Whitehead
Corning	Huddleston	O'Connell	Whittington
Cox	Hull, Tenn.	O'Connor, La.	Williams, Mo.
Crisp	Hull, William E.	O'Connor, N. Y.	Williams, Tex.
Crosser	Igoe	Oliver, Ala.	Wilson, La.
Cullen	Irwin	Oliver, N. Y.	Wilson, Miss.
Curry	Jacobstein	Palmisano	Wingo
Davey	Jeffers	Parks	Winter
Davis	Johnson, Ill.	Peavey	Wolverton
Denison	Johnson, Okla.	Peery	Woodrum
De Rouen	Johnson, Tex.	Pou	Wright

NOT VOTING—87

Andrew	Deal	Kunz	Stobbs
Anthony	Douglas, Ariz.	Kurtz	Strong, Pa.
Beck, Pa.	Drane	Larsen	Strother
Beers	Dyer	Leatherwood	Sullivan
Begg	Eaton	Leech	Summers, Tex.
Blanton	Estep	McFadden	Swick
Bohn	Evans, Calif.	Magrady	Tatgenhorst
Boies	Fisher	Menges	Temple
Bowles	Garrett, Tex.	Milligan	Thompson
Bushong	Golder	Monast	Tinkham
Butler	Goldsborough	Moore, Ohio	Treadway
Campbell	Graham	Oldfield	Watres
Carew	Griest	Palmer	Weller
Casey	Hoffman	Perkins	White, Kans.
Chase	Hudspeth	Porter	Williams, Ill.
Cochran, Pa.	Hughes	Quayle	Wood
Connally, Tex.	Jenkins	Ransley	Woodruff
Connolly, Pa.	Kahn	Rowbottom	Wurzbach
Cooper, Ohio	Kelly	Sabath	Wyant
Crall	Kendall	Sears, Fla.	Yates
Dallinger	Kent	Shreve	
Darrow	Kiess	Smith	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Begg (for) with Mr. Yates (against).
 Mr. Cochran of Pennsylvania (for) with Mr. Rowbottom (against).
 Mr. Evans of California (for) with Mr. Hughes (against).
 Mr. Leech (for) with Mr. Connally of Texas (against).
 Mr. Woodruff (for) with Mr. Hudspeth (against).
 Mr. Watres (for) with Mr. Fisher (against).
 Mr. Bohn (for) with Mr. Sears of Florida (against).
 Mr. Cooper of Ohio (for) with Mr. Blanton (against).
 Mr. Magrady (for) with Mr. Quayle (against).
 Mr. Swick (for) with Mr. Kent (against).
 Mr. Anthony (for) with Mr. Sullivan (against).
 Mr. Temple (for) with Mr. Larsen (against).
 Mr. Perkins (for) with Mr. Kunz (against).
 Mr. Treadway (for) with Mr. Carew (against).
 Mr. Bowles (for) with Mr. Shreve (against).
 Mr. Ransley (for) with Mr. Weller (against).
 Mr. Tinkham (for) with Mr. Milligan (against).
 Mr. Wood (for) with Mr. Porter (against).
 Mr. Kurtz (for) with Mr. Tillman (against).
 Mr. Beers (for) with Mr. Oldfield (against).
 Mr. Connolly of Pennsylvania (for) with Mr. Drane (against).
 Mr. Golder (for) with Mr. Williams of Illinois (against).
 Mr. White of Kansas (for) with Mr. Casey (against).
 Mr. McFadden (for) with Mr. Garrett of Texas (against).
 Mr. Smith (for) with Mr. Sabath (against).
 Mr. Leatherwood (for) with Mr. Deal (against).
 Mr. Dyer (for) with Mr. Douglas of Arizona (against).
 Mr. Griest (for) with Mr. Summers of Texas (against).

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

Mr. REID of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 254, nays 91, not voting 87, as follows:

[Roll No. 71]

YEAS—254

Abernethy	Dickinson, Iowa	Jeffers	Rankin
Ackerman	Dickinson, Mo.	Johnson, Ill.	Rathbone
Adkins	Dickstein	Johnson, Ind.	Rayburn
Allen	Dominick	Johnson, Okla.	Reece
Allgood	Doughton	Johnson, Tex.	Reed, Ark.
Almon	Douglass, Mass.	Johnson, Wash.	Reed, N. Y.
Arenz	Doutrich	Kemp	Reid, Ill.
Arnold	Dowell	Kerr	Robison, Ky.
Aswell	Doyle	Kincheloe	Romjue
Auf der Heide	Drewry	Kindred	Ruby
Bacon	Driver	King	Rutherford
Bankhead	Dyer	Langley	Sanders, N. Y.
Barbour	Edwards	Lanham	Sanders, Tex.
Beedy	England	Lankford	Sandlin
Bell	Englebright	Lea	Sinclair
Black, N. Y.	Eslick	Leavitt	Sinnott
Black, Tex.	Evans, Mont.	Letts	Sirovich
Bland	Faust	Lindsay	Snell
Bloom	Fish	Linthicum	Somers, N. Y.
Bowling	Fitzgerald, Roy G.	Lowrey	Speaks
Bowman	Fitzgerald, W. T.	Lozier	Spearing
Box	Fitzpatrick	Lyon	Sproul, Ill.
Boylan	Fletcher	McClintic	Sproul, Kans.
Brand, Ga.	Free	McDuffie	Stalker
Briggs	Fulbright	McKeown	Stegall
Brigham	Fulmer	McMillan	Stedman
Britten	Gambrell	McReynolds	Steele
Browning	Garber	McSweeney	Stevenson
Buchanan	Gardner, Ind.	Madden	Summers, Wash.
Buckbee	Garner, Tex.	Major, Ill.	Swank
Bulwinkle	Garrett, Tenn.	Major, Mo.	Swing
Burtness	Garrett, Tex.	Manlove	Tarver
Busby	Gasque	Mansfield	Tatgenhorst
Byrns	Gibson	Martin, La.	Taylor, Colo.
Canfield	Gilbert	Mead	Taylor, Tenn.
Cannon	Gregory	Michaelson	Thatcher
Carley	Green	Miller	Tucker
Carss	Greenwood	Montague	Underwood
Carter	Griffin	Mooney	Udlike
Cartwright	Guyer	Moore, Ky.	Vestal
Cellar	Hadley	Moore, N. J.	Vinson, Ga.
Chapman	Hall, Ill.	Moore, Va.	Vinson, Ky.
Chindblom	Hall, Ind.	Moorman	Ware
Cochran, Mo.	Hall, N. Dak.	Morrow	Warren
Cohen	Hammer	Murphy	Weaver
Cole, Md.	Hare	Nelson, Mo.	Welch, Calif.
Collier	Harrison	Niedringhaus	White, Colo.
Collins	Hastings	Norton, N. J.	White, Me.
Colton	Haugen	O'Brien	Whitehead
Combs	Hickey	O'Connell	Whittington
Connelly	Hill, Ala.	O'Connor, La.	Williams, Ill.
Corning	Hill, Wash.	O'Connor, N. Y.	Williams, Mo.
Cox	Hogg	Oliver, Ala.	Williams, Tex.
Crisp	Holaday	Oliver, N. Y.	Wilson, La.
Crosser	Hope	Palmisano	Wilson, Miss.
Crowther	Howard, Nebr.	Parks	Wingo
Cullen	Howard, Okla.	Peavey	Winter
Curry	Huddleston	Peery	Wolverton
Davey	Hull, Morton D.	Pou	Woodrum
Davis	Hull, Tenn.	Prall	Wright
Dempsy	Hull, Wm. E.	Purnell	Yon
Denison	Igoe	Quin	Zihlman
De Rouen	Irwin	Ragon	
	Jacobstein	Rainey	

NAYS—91

Aldrich	Frear	Korell	Ramseyer
Andresen	Freeman	Kvale	Robinson, Iowa
Bacharach	French	LaGuardia	Rogers
Bachmann	Frothingham	Lampert	Schafer
Beck, Wis.	Furlow	Lehlbach	Schneider
Berger	Gifford	Luce	Sears, Nebr.
Brand, Ohio	Glynn	McLaughlin	Seger
Browne	Goodwin	McLeod	Selvig
Burdick	Hale	MacGregor	Shallenberger
Burton	Hancock	Maas	Simmons
Chalmers	Hardy	Mapes	Strong, Kans.
Christopherson	Hersey	Martin, Mass.	Sweet
Clague	Hoch	Merritt	Taber
Clancy	Hooper	Michener	Thurston
Clarke	Houston, Del.	Morehead	Tilson
Cole, Iowa	Hudson	Morgan	Timberlake
Cooper, Wis.	James	Morin	Vincent, Mich.
Cramton	Johnson, S. Dak.	Nelson, Me.	Wainwright
Davenport	Kading	Nelson, Wis.	Wason
Elliott	Kearns	Newton	Watson
Fenn	Ketcham	Norton, Nebr.	Welsh, Pa.
Fort	Knutson	Parker	Williamson
Foss	Kopp	Pratt	

NOT VOTING—87

Andrew	Cochran, Pa.	Goldsborough	Kurtz
Anthony	Connally, Tex.	Graham	Larsen
Beck, Pa.	Connolly, Pa.	Griest	Leatherwood
Beers	Cooper, Ohio	Hawley	Leech
Begg	Crall	Hoffman	McFadden
Blanton	Dallinger	Hudspeth	McSwain
Bohn	Darrow	Hughes	Magrady
Boies	Deal	Jenkins	Menges
Bowles	Douglas, Ariz.	Jones	Milligan
Bushong	Drane	Kahn	Monast
Butler	Eaton	Kelly	Moore, Ohio
Campbell	Estep	Kendall	Oldfield
Carew	Evans, Calif.	Kent	Palmer
Casey	Fisher	Kiess	Perkins
Chase	Golder	Kunz	Porter

Quayle	Stobbs	Thompson	White, Kans.
Ransley	Strong, Pa.	Tillman	Wood
Rowbottom	Strother	Tinkham	Woodruff
Sabath	Sullivan	Treadway	Wurzbach
Sears, Fla.	Summers, Tex.	Underhill	Wyant
Shreve	Swick	Watres	Yates
Smith	Temple	Weller	

So the bill was passed.

The Clerk announced the following additional pairs:
On the vote:

Mr. Yates (for) with Mr. Begg (against).
Mr. Rowbottom (for) with Mr. Cochran of Pennsylvania (against).
Mr. Hughes (for) with Mr. Evans of California (against).
Mr. Connally of Texas (for) with Mr. Leech (against).
Mr. Hudspeth (for) with Mr. Woodruff (against).
Mr. Fisher (for) with Mr. Watres (against).
Mr. Sears of Florida (for) with Mr. Bohn (against).
Mr. Blanton (for) with Mr. Cooper of Ohio (against).
Mr. Quayle (for) with Mr. Magrady (against).
Mr. Kent (for) with Mr. Swick (against).
Mr. Sullivan (for) with Mr. Anthony (against).
Mr. Larsen (for) with Mr. Temple (against).
Mr. Kunz (for) with Mr. Perkins (against).
Mr. Carew (for) with Mr. Treadway (against).
Mr. Shreve (for) with Mr. Bowles (against).
Mr. Weller (for) with Mr. Ransley (against).
Mr. Milligan (for) with Mr. Tinkham (against).
Mr. Porter (for) with Mr. Wood (against).
Mr. Tillman (for) with Mr. Kurtz (against).
Mr. Oldfield (for) with Mr. Beers (against).
Mr. Drane (for) with Mr. Connolly of Pennsylvania (against).
Mr. Casey (for) with Mr. Golder (against).
Mr. Sabath (for) with Mr. McFadden (against).
Mr. Deal (for) with Mr. Leatherwood (against).
Mr. Douglas of Arizona (for) with Mr. Griest (against).
Mr. Summers of Texas (for) with Mr. Eaton (against).

Until further notice:

Mr. Hawley with Mr. McSwain.
Mr. Kiess with Mr. Jones.
Mr. Smith with Mr. Goldsborough.

The result of the vote was announced as above recorded.

On motion of Mr. REED of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BYRNS. Mr. Speaker, I ask unanimous consent to speak for half a minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BYRNS. Mr. Speaker, my colleague, Mr. FISHER, of Tennessee, is absent under the care of a specialist. He is heartily in favor of this bill, and if he were present he would have voted "yea." I ask that he may be granted indefinite leave of absence.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS—FLOOD CONTROL

Mr. LOWREY. Mr. Speaker, it is obligatory that this Congress now enact legislation providing for the control of the floods of the Mississippi River and its tributaries. And the obligation rests upon every Member of this body.

Rivers and harbors, interstate and foreign commerce, and United States mails are all matters of Federal responsibility. The Mississippi and its tributaries is a great inland transportation system which, if controlled and utilized, is an invaluable asset to commerce and internal development in time of peace and one of our very greatest elements of national defense in time of war. If left uncontrolled we may expect it at times to block the transportation of passengers, commodities, and mails, sweep away millions of dollars worth of internal improvements, prevent the growth of that section of our country in which lies the highest possibility of our future greatness, and even take the lives of many of our citizens.

Defense of life and property of the citizen is the highest national obligation. It is the very object for which nations exist. All our resources of men and treasure are pledged to it. If we fail to do this we are unworthy to exist as a nation and unworthy of the respect of other nations. This Congress has no more right to fail to cope with this problem than did the Sixty-fifth Congress to fail to provide for the prosecution of the war in which we were engaged at that time.

There is difference of opinion here about the matter of local contributions. We claim to justify the presence of our marines in Nicaragua and China to-day on this principle of the protection of life and property. And we have not asked that those whose lives and property are being protected bear a special part of the cost. Indeed, we sacrificed billions of dollars of treasure and thousands of lives in the World War, and did not ask that those who personally suffered from German submarines bear a special part of the cost.

The principles and precedents are well established whereby we even spend millions of dollars of Federal money on rivers purely for transportation purposes without asking for local

contributions; and on great harbors without asking the cities most directly benefited to bear more than their regular share of the expense.

There is also difference of opinion about the question of provision for the tributaries of the Mississippi. I should say that the unanswerable arguments for control of the Mississippi obtain with equal force for the tributaries. Not only have the people on the tributaries similar dangers and similar rights, but to me it seems unquestionable that the control of the tributaries is an absolute necessity to the effective control of the Mississippi. But other gentlemen have gone fully into this phase of the subject. I shall not take your time. We certainly can not refuse to the people on the tributaries the small request of adequate appropriations for a survey. To do so would be preposterously unjust.

Therefore, Mr. Chairman, by every principle that governs us as a Nation and by every policy that has been followed in legislating on similar matters we should provide amply for the control of the Mississippi River and its tributaries and we should act now. We have no right to fiddle while Rome burns. With thousands of lives and millions of dollars of property constantly exposed to this menace it would be tragic, cruel, and almost criminal for this Congress to adjourn without providing safely and amply against another catastrophe like that of 1927.

Under the permission to extend my remarks, I give here the "SOS to the American Legion," which I have received by mail:

SOS TO EVERY MAN OF THE AMERICAN LEGION

Every man of the American Legion has taken an oath to uphold and defend the Constitution of the United States and to support the welfare of the community, State, and Nation. Hardly a day goes by that his services are not required to perform at least one of these duties which are usually local.

Back in 1917 and 1918 we were called upon to perform a national duty, a duty that took us thousands of miles away from our loved ones, our business, and other interests. We were called upon to make the supreme sacrifice if necessary to perpetuate democracy and crush autocracy. We suffered hardships and deprivations as never before experienced. Billions of dollars were spent for this great cause; thousands of sons and many daughters sacrificed their lives, and millions of loved ones at home suffered irreparable heartaches for those who fought for the love of their country and the principles for which it stands.

Now comes another call, a national call even greater than the one of 1917 and 1918, because this need comes from home. This great country of ours is again in danger. Lives, home, and the health and prosperity of the United States are about to be affected as never before in history. The great Father of Waters, which divides our wonderful country in half and which flows down the greatest and richest valley in the world, has become a source of a grave danger and menace to those who live along its banks as well as those who live in this valley.

We can not afford to let this great old river on one of its spring high-water rampages destroy what required almost centuries to build, to say nothing of the destitution it would bring to tens of thousands of those near and dear to us. The destruction it wrought last spring upon the citizens of this valley was ghastly and horrible. And, fellows, it took place right here in our own beloved United States!

The American Legion of New Orleans appeals to all legionnaires and ex-service men to rally to this national defense. The destruction of life and property and the nonproductivity of this great valley which is bound to occur by the non-Federal control and financing of the Mississippi River will affect our great Nation to its four corners.

Comrades and citizens, this is our country, your country, and my country, and this part of the United States of America is in danger. There has risen a question of mere dollars and cents staked against the lives of our loved ones, the sanctity of the home, and the property of tens of thousands of our citizens. Therefore we should place upon it the most patriotic significance by having our Federal Government issue a gilt-edged bond of protection prompted by even a greater spirit of patriotism than was felt when the first great Liberty loan was floated.

The States along the lower Mississippi River Valley have been practically bankrupt as a result of the destruction wrought by the Father of Waters last spring. If these panic-stricken people are to be taxed for the upkeep of this great body of water which rushes so madly and destructively down its course each spring, we will be obliged to sacrifice all and leave this valley to the vultures of the air to satisfy the whims of a few who say that Uncle Sam is unable to protect the lives and property of those at home, completely forgetting how willingly and forcefully the strong arm of assistance was sent forth across the high seas back in 1918.

We plead with you at once to demand of your representatives in Congress to vote for the Jones flood relief bill, which will place the cost and maintenance of the great levees necessary to keep the Mis-

Mississippi River within her banks at all times squarely on the shoulders of the United States Government.

The national convention of the American Legion has indorsed this action, and, comrades, it is our duty to protect the lives and property of the citizens of our country.

(Signed) L. B. SPACH,
Chairman Flood Relief.

Mr. HERSEY. Mr. Speaker, two great problems are pending before this Congress, one called the Mississippi flood control bill and the other the McNary-Haugen farm relief bill. I wish to call attention very sharply to these two bills and the acts of their friends, which imperil good legislation.

On the 6th day of December, 1927, the President laid before Congress his annual message, and among other things he said:

FLOOD CONTROL

For many years the Federal Government has been building a system of dikes along the Mississippi River for protection against high water. During the past season the lower States were overcome by a most disastrous flood. Many thousands of square miles were inundated, a great many lives were lost, much livestock was drowned, and a very heavy destruction of property was inflicted upon the inhabitants. The American Red Cross at once went to the relief of the stricken communities. Appeals for contributions have brought in over \$17,000,000. The Federal Government has provided services, equipment, and supplies probably amounting to about \$7,000,000 more. Between \$5,000,000 and \$10,000,000 in addition have been provided by local railroads, the States, and their political units. Credits have been arranged by the Farm Loan Board, and three emergency finance corporations with a total capital of \$3,000,000 have insured additional resources to the extent of \$12,000,000. Through these means the 700,000 people in the flooded areas have been adequately supported. Provision has been made to care for those in need until after the 1st of January.

The Engineer Corps of the Army has contracted to close all breaks in the dike system before the next season of high water. A most thorough and elaborate survey of the whole situation has been made and embodied in a report with recommendations for future flood control, which will be presented to the Congress. The carrying out of their plans will necessarily extend over a series of years. They will call for a raising and strengthening of the dike system, with provision for emergency spillways and improvements for the benefit of navigation.

Under the present law the land adjacent to the dikes has paid one-third of the cost of their construction. This has been a most extraordinary concession from the plan adopted in relation to irrigation, where the general rule has been that the land benefited should bear the entire expense. It is true, of course, that the troublesome waters do not originate on the land to be reclaimed, but it is also true that such waters have a right of way through that section of the country, and the land there is charged with that easement. It is the land of this region that is to be benefited. To say that it is unable to bear any expense of reclamation is the same thing as saying that it is not worth reclaiming. Because of expenses incurred and charges already held against this land, it seems probable that some revision will have to be made concerning the proportion of cost which it should bear. But it is extremely important that it should pay enough so that those requesting improvements will be charged with some responsibility for their cost, and the neighborhoods where works are constructed have a pecuniary interest in preventing waste and extravagance and securing a wise and economical expenditure of public funds.

It is necessary to look upon this emergency as a national disaster. It has been so treated from its inception. Our whole people have provided with great generosity for its relief. Most of the departments of the Federal Government have been engaged in the same effort. The governments of the afflicted areas, both State and municipal, can not be given too high praise for the courageous and helpful way in which they have come to the rescue of the people. If the sources directly chargeable can not meet the demand, the National Government should not fail to provide generous relief. This, however, does not mean restoration.

The Government is not an insurer of its citizens against the hazard of the elements. We shall always have flood and drought, heat and cold, earthquake and wind, lightning and tidal wave, which are all too constant in their afflictions. The Government does not undertake to reimburse its citizens for loss and damage incurred under such circumstances. It is chargeable, however, with the rebuilding of public works and the humanitarian duty of relieving its citizens from distress.

The people in the flooded area and their representatives have approached this problem in the most generous and broad-minded way. They should be met with a like spirit on the part of the National Government. This is all one country. The public needs of each part must be provided for by the public at large. No required relief should be refused. An adequate plan should be adopted to prevent a recurrence of this disaster in order that the people may restore to productivity and comfort their fields and their towns.

Legislation by this Congress should be confined to our principal and most pressing problem, the lower Mississippi, considering tributaries

only so far as they materially affect the main flood problem. A definite Federal program relating to our waterways was proposed when the last Congress authorized a comprehensive survey of all the important streams of the country in order to provide for their improvement, including flood control, navigation, power, and irrigation. Other legislation should wait pending a report on this survey. The recognized needs of the Mississippi should not be made a vehicle for carrying other projects. All proposals for development should stand on their own merits. Any other method would result in ill-advised conclusions, great waste of money, and instead of promoting would delay the orderly and certain utilization of our water resources.

On the 8th day of December, 1927, the President sent an additional message to the Congress on flood control, as follows:

To the Congress of the United States:

There is submitted herewith a letter from the Hon. Dwight F. Davis, Secretary of War, transmitting with favorable recommendation the report of Maj. Gen. Edgar Jadwin, Chief of Engineers, containing the plan of the Army Engineers for flood control of the Mississippi River in its alluvial valley.

In my message to the two Houses of Congress at the beginning of the first session of the Seventieth Congress, the flood-control problem of the lower Mississippi and the urgent necessity for its solution were outlined. The general duties and responsibilities of the Federal Government in connection therewith were therein discussed.

The total cost of the recommended project is \$296,400,000, distributed over a period of 10 years. This large sum is manifestly justified by the necessities of the situation and the benefits that will result. In determining the distribution of the costs there must be considered not only the people of the valley itself, who receive the major portion of the benefits, but also the great mass of taxpayers who suffer less directly from Mississippi River floods and upon whom most of the burden of Federal taxation falls. It is axiomatic that States and other local authorities should supply all land and assume all pecuniary responsibility for damages that may result from the execution of the project. It would be revolutionary for the Federal Government to establish the precedent of buying part of the land upon which to build protective works to increase the value of the remainder. Similarly it would be very unwise for the United States in generously helping a section of the country to render itself liable for consequential damages. The Federal Treasury should bear the portion of the cost of engineering structures for flood control that is justified by the national aspects of the problem and the national benefits. It may even bear 80 per cent of such costs, but substantial local cooperation is essential to avoid waste. The portion this would leave to be borne locally for flood-control structures represents an expenditure of about \$3, or 30 cents per year for 10 years for each acre in the alluvial valley to be protected every year from Mississippi River floods. The value per acre, including railroads, towns, cities, and other improvements, is estimated at something over \$200. It would seem that the States should share with the Federal Government the burden of assisting the levee districts and individual property owners, especially in view of the fact that the States benefit directly by the increased taxes from land made more valuable by reason of its protection.

The plan transmitted herewith is comprehensive and appeals to me as being adequate in its engineering. I concur in general in the conclusions and recommendations reached in the report, and suggest that appropriate legislation be enacted putting them into effect.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1927.

For many days we have been discussing these two messages. There was formed early in the present session of this Congress a combination or bloc, so called; one is the Mississippi flood-control bloc, composed of Representatives and Senators who reside along the Mississippi River and its tributaries which would be affected by flood-control legislation. The other bloc is the old and familiarly known farm bloc of the Wheat and Corn Belt States that is interested in the passage of the McNary-Haugen farm relief bill, which has met much condemnation in the past outside of these farm-relief States, so called. This combination has assumed formidable proportions. The full proceedings in the flood-relief debates show clearly that this combination has been formed for mutual benefits, political and otherwise.

Evidently the understood agreement is that these blocs would combine and put over the flood control bill, making the whole Nation pay everything in the erection, building, and flood-control protection on the Mississippi River and its tributaries, and then join to put over the McNary-Haugen bill in the same vicious form of the last Congress which called for a veto which was approved by the people throughout the land, except by those interested in putting the Nation into business, Government ownership, and price fixing.

Yesterday these blocs, on the eve of a political election, forced through the Mississippi flood control bill forcing the Govern-

ment to pay all the costs, damages, and expense in the building of the levees and other works under this bill, and thereby ignoring the recommendation of the engineers and the bill of the administration and thereby inviting a veto, which they will most certainly have.

It is one of the weaknesses of our form of government that such blocs and combinations can be formed like the old river and harbor pork-barrel legislation—you vote for my project and I will vote for yours, and thus loot the Treasury of the people and extort from one portion of the country tribute for the protection of the wealthy interests of another portion of the country.

In the flood control bill as passed by the Senate and House it can not be claimed for one moment that there is any evidence whatever that the poor man is going to suffer any damages by the engineers' and the President's plan, but it clearly appears that the large landowners along the Mississippi are going to benefit greatly without a cent of cost to themselves in the way of building these new improvements and protections.

Eighteen millions of charity poured in along the Mississippi Valley has taken care of the poor tenant farmer who does not own the land. The building of the levees and other improvements under the plan of the engineers and the President would greatly benefit those who own the land as well as to protect forever these landowners from future floods, yet in spite of all this, when, however, an opportunity is given to a majority interested in this legislation to attain all they want without regard to the Treasury of the United States or the taxes to be imposed upon the whole people, they will not pay much attention to argument and reason, or to the rest of the country. This is one of the sad things in government at the present time. The old pork-barrel river and harbor matters have been by legislation so restricted that they can not now loot the Treasury. Future legislation must in some way provide against these combinations and blocs in legislation that will coerce representatives and Senators to vote for legislation for particular localities to form combinations under the threat that they must vote them into law or they can not be reelected. God save the United States of America!

Mr. CARTWRIGHT. Mr. Speaker, the destruction wrought last spring upon the citizens of the Mississippi Valley was ghastly and horrible. When we consider the fact that the floods affected 31 States of the Union, 41 per cent of the total area of the United States, covered 12,500,000 acres of good land, made 600,000 citizens homeless, and damaged property to the extent of more than \$400,000,000, it is time that a solution for the control of these flood waters be found, or at least the best possible start be made.

In addition to the great destruction, interstate commerce was interfered with and our mail suspended and, all of these items taken into consideration, it has become a national problem. To a certain extent it is an international question. It is the greatest producing region in the world, and every factor which goes to make up the prosperity of the world is seriously affected.

My friends, we should look to flood control in the lower valley, but also to flood prevention, forest and soil conservation, and such other methods as may be found practicable upon the Mississippi and its tributaries. It is just as important and necessary to have floods controlled on tributaries, just as important to protect life and property on tributaries as it is on the seven lower basin States.

In my own State of Oklahoma it has been said that damage was done by this flood to the extent of more than \$20,000,000 on the Arkansas River and its tributaries alone. In addition to this damage, we also suffered greatly from floods from the Red River and its tributaries. These two rivers, with their tributaries, such as the Washita, South Canadian, Boggies, Kiamitta, and other streams in Oklahoma, contribute much to these flood waters. It hurts a farmer just as much to have his crops, land, and property destroyed on one of these rivers in Oklahoma as it would if he lived on the Mississippi. Mr. Speaker, I am strong for flood control, and I have waited patiently for the Flood Control Committee to report a bill, and now it is here. I know the members of the committee have worked long and hard in trying to bring us a bill that will be acceptable. But I believe I speak the sentiment of the majority when I say if the plan only touches the pocketbook of Oklahoma and other tributary States there will not be quite so much sympathetic interest in the bill. I believe the Government should undertake a comprehensive survey of the whole Mississippi River with the idea of discovering, and later utilizing, all practicable means of flood control, including reservoir construction, reforestation, deepening of channels, prevention of erosion, and so on.

Since my mind has not undergone many changes on flood control since I made a speech before the State flood-control conference at Tulsa, Okla., on the 15th of last July, I wish to insert it in the RECORD at this place:

FLOOD CONTROL—ADDRESS BY CONGRESSMAN WILBURN CARTWRIGHT BEFORE THE FLOOD-CONTROL CONVENTION AT TULSA, JULY 15, 1927

Ladies and gentlemen, ever since I was a small plowboy I've been in favor of flood control and irrigation. I was first in favor of damming up the branch in order to conserve its waters for swimming-hole purposes. Later, as I followed old Beck down the parching corn rows, stirring the hot dust with a go-devil or a Georgia sweep, and watching the blazing skies for a sign of a cloud that might bring the rain that meant redemption of the corn crop and meed of prosperity to the farm home, I wondered then why the people through some sort of cooperation could not build a system of reservoirs and canals by and through which the floods could be stored and distributed to the parching fields when the rains failed to fall.

It appears now that my dreams are going to come true; that the great Mississippi Valley flood disaster is the wreck from which the greatest flood control, canal, and irrigation system the world has ever dreamed of is going to spring. I hope there will be wisdom, unselfishness, and energy enough to lay out a plan that will comprehend flood control and irrigation from the western slopes of the Alleghenies to the eastern slopes of the Rockies. It may take billions of dollars and many years of time, but in my opinion it will be a paying proposition from every angle and will mean for this Nation leadership of the earth in agriculture, horticulture, commerce, and manufacturing. And it will mean, as I see it, a Nation without famine and want, no matter what pestilences or misfortunes may befall. The time is not 100 years distant when the products of the soil will be more than ever the foundation upon which will rest the prosperity, happiness, contentment, and well-being of the people of this earth.

Automobiles, airships, railways, and other inventions for the advancement, convenience, and happiness of mankind will all be dependent more than now upon the productiveness of the soil; for out of the soil, after all, come practically all the real necessities for the comfort and happiness of mankind. When the population of this earth becomes so dense that the soil and its productiveness will mean everything to the welfare of the human race, it will then be necessary to make the soil productive in every season whether or not it rains. The agricultural and horticultural world to-day must depend largely upon the seasonable rainfall. Proper flood control, proper water storage, and proper distribution of this stored water will mean bumper crops every year for every section of this Nation. Therefore, my fellow citizens, I am heartily in favor of this Nation, together with the States, solving now and once for all this major problem of this age.

As to what plan or plans are to be followed in this great undertaking, the average citizen does not know, and, in my opinion, should hold an open mind until the experts have somewhere nearly agreed. At any rate, it is my earnest hope that the different States will join wholeheartedly and unselfishly with the National Government in whatever system is decided upon. True, the task is a colossal one and should be approached carefully, unselfishly, and with a determination to solve it thoroughly.

Let me say that I am in favor of Oklahoma joining her flood, storage, and irrigation problem with that of the National Government, and working it out so that the State's great project will dovetail exactly into that of the Nation's. Oklahoma, as I see it, should lay her flood control and irrigation plan broad and deep. She should comprehend every section of the State that it is at all possible to reach. There is no room and no time for cutting corners or becoming niggardly with expenditures and plans. Let our waters be controlled and conserved. Let us prepare to use every drop of extra rainfall possible. Let us harness our rivers and direct them where we will. Let us have both power for commerce, and water for irrigation from these abundant waters. And as we march forward toward the consummation of this great project, let us not forget to keep step with science and progress in the matter of better agriculture and horticulture, and also in the matter of better stock, better poultry, better farms, and better homes. Let us produce in this great Commonwealth empire every necessity and every luxury to satisfy the needs and the tastes of an advancing people.

Oklahoma, properly watered, can live independently within her own boundaries and enjoy practically every luxury in both raiment and food indigenous to the Temperate Zone. This can be done even without inexhaustible resources in mineral deposits, and when we add that into the bargain what more can the most optimistic desire in order to visualize a Commonwealth brimming with prosperity, contentment, and happiness.

And, gentlemen, judging from the success of our great Panama Canal, the colossal Mississippi Valley irrigation project, if properly planned and carried out, should pay for its cost in dollars and cents in a quarter of a century after its completion. Furthermore, it will be the greatest stabilizer, the greatest civilizer, and the greatest educator since the dawn of society. I am for it and behind it with all the powers and energy I can command.

Mr. Speaker, I now ask permission here to insert a letter from my district which gives the farmers' slant on flood control. It is a timely letter and should be carefully considered during the deliberations on this important bill:

COOPERATIVE EXTENSION WORK IN AGRICULTURE
AND HOME ECONOMICS, STATE OF OKLAHOMA,
McAlester, Okla., March 22, 1928.

Re farmer method of flood control.

MR. WILBURN CARTWRIGHT,
Washington, D. C.

DEAR MR. CARTWRIGHT: Find inclosed some ideas which we discussed over in part in my office concerning flood control. This to me is the biggest service that could be performed by any Congressman, Senator, or President. Flood water properly controlled at its source would mean millions of dollars of saving in soil and plant food. It would mean more economical production and in turn more substantial agriculture and a higher standard of living on the farm.

It is well known and admitted by all engineers that millions of tons of soil high in plant food and which is really the best soil that we have is going down the Mississippi annually. This soil is a direct loss to the farmers, to farm prosperity, to State prosperity, to county prosperity, and to the prosperity of the entire United States. This means millions of dollars lost in the basin of the Mississippi with nothing gained whatever but resultant losses because of this erosion and excess water at the lower Mississippi Valley. If we should spend millions on the lower Mississippi to control floods, we are still, at the same time, losing millions at its source. This in turn makes a double loss and increases taxes of our National Government. If we spend millions in control at the source, these millions are returned each year in greater and more economical production of crops, in the farmer's ability to pay more and to pay his taxes easier, and in greater economic wealth gained by counties and States.

For every million that we spend at the source, any student of the subject will admit that three million can be gained in return, so there is really no expense whatever to the State or Nation if flood waters are controlled at the source. But, on the other hand, if we control flood waters after they have been formed, when it takes millions of dollars for its control, this money is merely dumped into the sea and the loss is doubled and trebled by the continued loss at the source.

In view of the fact that control of the Mississippi River floods is a much-discussed question now before the Congress of the United States, I wish to present the following:

No harmonious scheme has so far been presented which is acceptable to all interests. No scheme of prevention has so far been advanced, but to the contrary all schemes presented look to control and not to prevention.

The Staple Cotton Review, which is the official organ of the Staple Cotton Cooperative Association, in the December issue states, "We ask only to be relieved of the burden of protecting this portion of America against the flood waters of the Nation. * * * What flood control does and all it does, is to keep the surplus river waters from overflowing the land when the river rises above its banks. * * * We have a right to ask that the Nation protect us from floods which originate in the national domain, and to do this not as a favor but as a national duty at national expense. * * * Flood control is either a national duty or it is not a national duty. There should be no recognition of a policy of halfway duties in national problems. * * * As long as we have to depend upon local contributions for cost of construction, we must necessarily also have to allow local participation or even local contributions for a local spillway which destroys local property by the very means employed to protect property elsewhere. It would never be attempted to require a contribution from people along the lower reaches of the Mississippi toward the construction of reservoirs along the tributaries a thousand miles away. The whole theory of local contribution and dual responsibility is illogical, unsound, and impossible of fair and equitable application whether it is for levees, spillways, or reservoirs, and just as inequitable with one as with the other."

A report prepared for and presented to the Chamber of Commerce of the United States on referendum No. 51 says, in part: "To successfully accomplish the greatest benefit to the greatest number at a justified economic burden, there should be cooperation between the Nation, the State, and the property owner, both in the location of the work, extent of expenditure, use of the water, and the extent of control. * * * History seems to prove that control of the Mississippi River should not be left to any single centralized agency, but in the interests of the commercial developments of the United States which the United States Chamber of Commerce should represent, every interest should be considered, every section be represented, every means be employed, every district with its particular interest be served, and both legislation and administration be so widely distributed as to attain a truly national result. * * * Inevitably the cost of such a project would greatly exceed the total value of the protected properties, would give to a very small local area of the United States a protection without cost, but at a great cost to the remainder of the

United States much of which has equal hazard and an equal right to protection."

At the Arkansas-Red River conservation and flood-control convention, in Oklahoma City, November 30, 1927, plans of flood control were discussed. The Army engineers' scheme of control was outlined by Maj. Donald H. Connolly. The impression gained from this discussion was that no scheme of control was worthy of attention, which included territory not immediately adjacent to the flooded area. It seemed to be the opinion of the Army men that flood waters contributed by the State of Oklahoma to the Mississippi River were extremely unlikely to have any effect upon the floods in that river. The contention seemed to be that the flood waters of Oklahoma would reach the Mississippi River long after the flood crest had passed downstream, and therefore could be easily carried by the river without damage. This contention seems rather illogical, in view of the fact that humans have no control over the periods during which floods shall occur. It is quite conceivable that flood waters from Oklahoma or other States could reach the Mississippi at the critical time when the crest of the flood is passing and so increase the crest of the flood waters as to make control well nigh impossible.

I would like to point out here the fact that the opinions of three interests have now been quoted in this letter, and that all are opposed to each other.

An honest-to-goodness dirt farmer attempted to make a speech on the subject at the November convention. This man gave a homely simile to the matter in hand by likening the actions of men in controlling fires to attempts at flood control. He pointed out that usually, as soon as fire appears, every effort is made to stamp it out immediately. We do not wait until one fire starting here, another there, and another yonder have assumed such proportions as to make control doubtful. His plea was that we should attempt flood control in much the same way. It is the opinion of many other farmers in this section that flood control should start at the grass roots. Many farmers in Oklahoma are well acquainted with the beneficial results of erosion control by terracing. There is nothing spectacular in this method; it is largely a matter of hard work; but in the control of erosion it is certainly effective. Erosion control is nothing more or less than flood control applied in a small way on individual farms. The method employed on large areas would undoubtedly be equally effective on a much larger scale.

For a more comprehensive discussion of terracing and its benefits I would refer you to the division of agricultural engineering, Bureau of Public Roads, Washington, D. C.

The National Geographic Magazine, in writing on the subject of the Mississippi floods, made the statement that the floods were actually composed of only 25 per cent of the rainfall of the area. It is an accepted, though unproved, fact that terracing farm lands results in the absorption by the soil of more than 25 per cent additional of the rainfall of the area. The well-worn motto that prevention is better than cure will surely never find better application than in the present issue. The conservation of flood waters in the soil upon which they fall would not only prevent the necessity of control but would add materially to the wealth of the Nation by increased productivity of all farm lands affected. Throughout the Great Plains area soil moisture is the limiting factor of production. By inducing the farmers of this region to conserve the moisture to their own benefit an enormous increase in production per acre per man would eventually result.

I fully realize that the great engineering feats and the great reservoirs that would be formed and the great inland seas that would appear would be wonderful to look at, cost probably a billion dollars, with a loss of thousands of acres of fertile fields, with the lives endangered of all those who live in the valleys below the reservoirs where probably thousands of lives would be snuffed out at any great flood just as they have been by the breaking of the wonderful dam that the city of Los Angeles had built. These feats would be spectacular; they would cost millions of dollars; and they would not in any way justify the expenditure after they had been built.

The farmer method of control is in no way spectacular; each farmer would control his own flood water, where possible, build a pond that would furnish fish the year round, a wonderful source of food supply, no dangerous reservoirs formed, but in turn fertile fields, economic production, and prosperous farmers. If one really stops and thinks about flood control, and sees the benefit that can be derived from controlling it at its source, and then would picture in his mind the disaster and expense that have to be brought about by moving thousands away from the homes they now occupy, flooding the fertile fields of the Mississippi with reservoirs, and in turn endangering the lives of all those who live in these valleys, because these reservoirs are man made and imperfect and little is derived from their presence. In a few years they would be filled by soil deposits and our present danger again arise.

One can hardly conceive of the working of a mind or working of great minds that would choose the latter source; except that they enjoy to do things in a big way and spend millions of dollars of tax money in order to gain a reputation for themselves or their engineering ability. I recommend without any reservation whatever the farmer

method of control, and the man who will sponsor it and who is able to take up this humble banner and carry it through to perfection should in turn be rewarded with the greatest offices that this Nation provides.

County agents and farmers all over the basin are the tools and machinery to work with. All that is needed is leadership and organization. To him who can furnish one or both of these should go the reward for the greatest feat that can be carried on in his age. As to how this can be done is a matter to be worked out probably as a mathematical problem. Personally, I think that the tax-exemption method of a certain per cent of taxes each year on each acre of land terraced and an exemption for each acre-foot of water impounded on the farm would be the correct method of procedure.

Permitting each county to draw on the Federal Government for such taxes as are exempted in the county is a mathematical problem that can probably be worked out in your office. Men who would do spectacular engineering feats will choose the expensive method of flood control. Men who would do a service to humanity and to their Nation without the necessity of reward will choose the flood control at its source.

Respectfully,

E. H. HOUSTON, *County Agent.*

P. S.—I have just read your speech before the House and know how willing and anxious you are to be of service. To me the "farmer method" of flood control is the greatest service that you can render.

I am sending you other articles concerning terracing which will give you an idea as to the interest which it holds in the minds of Oklahoma farmers.

Mr. BRAND of Ohio. Mr. Speaker, the discussion on the floor relative to flood control reveals some facts. The estimates of the value of the land to be used for flood ways by the Government have ranged from \$5 to \$10 per acre up to as high as \$24 per acre.

I understand this land is, of course, in the river bottom and that it is made land for the most part of very great agricultural value, as it represents the cream of the soil washed down by the river and deposited.

As such land is not worth to exceed \$24 per acre, there must be a reason, as agricultural land of this kind is worth at least four times that much in any other territory in the United States.

No doubt the reason that it is estimated at not over \$24 per acre is because of its danger from flood, and this only goes to prove that if we follow out the provisions of this bill that there is a great area that will be made safe from flood conditions and thereby improved in value many times.

The cities and towns in all of this territory will likewise be affected favorably as to value.

We are therefore by this bill increasing the value of the property of individual citizens without securing any contributions from them, but making the entire Nation pay the entire bill.

We are asked to go to all of the expense toward making this improvement, and we are asked to pay all the damage that results from the improvement, and yet the local property pays nothing.

In Ohio we had a disastrous flood in 1913. Heavy rains and cloudbursts followed each other in March of that year when the ground was frozen and the rivers swelled to enormous sizes, and cities like Dayton and Columbus, Ohio, were entirely covered with water, in many cases up to the second story of the houses, and the water came so swiftly that the people were not warned of the danger, and more lives were lost in this flood in Ohio in 1913 than there were lost in the Mississippi flood of 1927.

The property loss in Ohio was immense, but I am unable to give the figures.

Did the people of Ohio come to the Government of the United States and ask that the Federal Government protect their property at Government expense? They did not.

The people affected by the flood went before the Ohio Legislature and asked them to provide a flood-control commission, with power to levy taxes to cover the expense of flood control. This commission went to work to provide against flood in the future and taxed local property at least \$35,000,000 for the improvements that they made.

This commission adopted the reservoir plan, and I would like to point out to the House that a reservoir plan for controlling floods is not a plan which can be used for power generation or for irrigation. The reason is probably clear only to those who will take the trouble to see just how such a flood-control reservoir is built. Perhaps I can make it clear.

A site is selected along the river which can be made into a natural reservoir and a cement wall is put across the river. The remarkable part of the plan is that there is a hole in the cement wall that lets out the capacity of the river all the time and the reservoir is empty all the time except at flood time.

This, of course, makes it of no account as a means of producing power or as a means of irrigation.

I am happy to say that since the location of these dams in the flood area of Ohio that we have had no high waters that have not been adequately handled by these reservoirs. They fill up during the flood and cover the country for a mile or more back from the dam in the river and then in a day or two the water has all escaped through the hole in the dam wall.

The point I wish to make is that in Ohio we have met the flood conditions and have paid the bill ourselves, and with that in mind I am not inclined to vote for this bill which puts all the burden on the United States Government and at the same time improves the property affected.

Mr. MORROW. Mr. Speaker, the passage of the Jones-Reid bill for the control of floods upon the Mississippi River and its tributaries is perhaps by far the most important piece of legislation that has passed Congress for many years. The people of the Nation expect this measure to be construed broad enough so that the purposes which caused its passage will be fully carried out. It is committing the Government to a general plan of flood control upon the Mississippi River with a mere gesture as to a survey of the tributaries which really cause the floods upon the lower basin of that river.

There are many features of the bill, placed therein by amendment, which, if carried out, will broaden the terms of the legislation and will tend to solve in the future the problem of destruction by the river. I refer particularly to the question of surveys of the tributaries of the Mississippi, with the view to securing the construction of impounding dams for water storage upon the upper tributaries for the purpose of flood control.

It is stated in the committee report that an investigation of the flood problem on the Mississippi—which is limited in scope to the application of suggested works along the river and its contiguous banks—can not be classed as an intelligent and thorough treatment of the subject. The committee in charge of preparing this bill consisted of some 21 members, representing nearly every one of the States within the basin of the Mississippi; they had before them the testimony of prominent officials and citizens within the flooded areas. That committee saw fit to report that there were other necessary flood-control features to be considered aside from spillways, flowage rights, and levees.

One of the particular features being the plan of storage reservoirs upon the tributaries of the river, this evident need caused the gentleman from Nebraska [Mr. SHALENBARGER] to introduce an amendment, permitting the construction of reservoirs for impounding of the waters of the Mississippi and its tributaries. The information that floods can be controlled and prevented by such reservoir systems is to be obtained by the President from the Secretary of War, or other agencies of the Government. The amendment failed by only 4 votes of being placed in the bill.

Practically the same amendment was offered by the gentleman from Oklahoma [Mr. HOWARD], and a part of his amendment was adopted in so far as surveys were authorized to be made simultaneously with flood-control work upon the Mississippi River provided for in the act.

It would appear from the attitude of Congress that with more knowledge about this particular feature that the impounding dam or reservoir proposition will be the policy to be followed.

Careful consideration should be given to a paragraph in the report of the Committee on Flood Control. That paragraph states that the ultimate solution of the flood problem of the valley must include also the possible use of flood-control works on these tributaries at their sources, or between the source and the mouth. In the 1927 flood the tributaries contributed more than three-fourths of the flood waters.

It is apparent that if a careful, comprehensive study is made of the reservoir system upon the tributaries of the main stream, and if this water is impounded in reservoirs and used beneficially for reclaiming the arid land and for generating hydroelectricity, the Government need in no instance assume the cost of reservoir construction as a whole.

By proper contract with conservancy districts, formed for that purpose under State authority, the larger if not the entire cost of construction of these impounding dams may be during a term of years repaid to the Government.

If the admissions of those who oppose the reservoir idea are taken to be their absolute honest thought, then the Government is now entering upon an expenditure of perhaps three-fourths of a billion dollars which could have been avoided by the reservoir system. This huge expenditure may be avoided in the future should investigations and data be properly and carefully obtained.

The reservoir system would solve the flood problem of two States which suffer immense damages yearly. The plan should appeal to those in charge of the efforts of the Government to find a correct and broad solution. The States to which I refer are Oklahoma and Arkansas.

From the report of the committee it would appear that it was their opinion that the floods of the lower Mississippi Valley can be controlled by reservoirs at the upper reaches of the tributary sources of the watershed.

The levee system used for nearly half a century has proven inadequate, and the present plan of levees, spillways, and flowage rights may solve the problem for the lower basin of the Mississippi for a period of years. This is accomplished at a huge expense and at a small possible return to the Government; more than a million acres of land are lost for use to the Nation.

The reservoir system must come, and is needed, for many of the States upon the tributaries of the main stream. Such a plan is their only remedy for the solution of the flood-control problem.

Storage reservoirs erected in the Dakotas, Nebraska, Kansas, Colorado, New Mexico, Texas, and Oklahoma will solve the flood situation upon the lower Mississippi and will restore to use millions of acres of agricultural land. Perhaps this land is not needed for the immediate use of the Nation, yet it can be converted into a dairy-producing and beet-culture area. Such dairy products and beet cultivation will not interfere with the present market prices or overproduction. It is only a few years until all our available food-producing land will be so needed. It is further known that this method of utility of waste land can be beneficially employed only by Government assistance and under Government control.

Certainly it is that, under proper Government contracts, this investment by the Government will be repaid.

The committee having in charge the carrying out of the provisions of the bill, should it become a law, must attempt to meet the spirit intended by the legislative bodies. The law must be so interpreted to bring substantial relief to the flooded districts of the Nation. The bill should be so broadly constructed that the menace of future floods may be avoided.

Mr. REED of Arkansas. Mr. Speaker and Members of the House of Representatives, under leave granted, I desire to put in the RECORD some observations upon the major problem before the American people, to wit, that of flood control.

It has been my intention for many weeks to call to the attention of the Members of the House, as well as to the attention of the country, the importance of early legislation along the line of flood control. The reason I have not done so prior to this time is, I have been waiting for those in control of the organization of the House to bring upon the floor of the House, where it could be discussed, at length and amendments proposed thereto, a bill for flood control.

In making speeches in my district last fall I told the people that I did really believe that, owing to the fact that the Mississippi River and her tributaries affected more than 40 per cent of the physical area of the United States, that this gigantic problem of flood control would in no way be considered from a partisan, sectional, or narrow standpoint by those in control of the Seventieth Congress or even the President of the United States. It does seem now that I spoke flatteringly of those in control of legislation in the American Congress. We have been in session more than three months and the President of the United States is now insisting upon local contribution from those affected in the flooded areas, notwithstanding the bill on the calendar of the House known as the Reed bill does not ask for local contributions from the people in the local territories.

In my judgment the bill as reported by the Flood Control Committee of the House is the bill that should be passed by the Congress with proper amendments more properly caring for the tributaries in this system of flood control.

The question of local contributions is either right or wrong. I take the position that it is wrong. The argument is advanced that heretofore the people in the flooded areas have made local contributions in attempting to control the Mississippi River and her tributaries. This is true. Two wrongs will not make one right. There never was any justification or equity in the people making local contributions toward controlling the flood waters of the mightiest stream in the world. This river belongs to the United States in the most essentials. You can not sail your boats of commerce or span the stream with bridges without permission of the Federal Government. Its nature makes it essentially a national problem. There is only one Mississippi River in the world.

The people of the Mississippi Valley have heretofore, due to their great energy and their earnest desire to control the waters

of this stream, made great sacrifices of their personal assets in making local contributions—indeed, without a murmur—but now in many instances their property and their belongings have been swept away by the floods of the spring of 1927, and they are no longer able to contribute as they have heretofore toward controlling the flood waters of the Mississippi River and her tributaries. It seems to me that this Government of ours, the richest government in the world, instead of still insisting upon local contributions should be really appreciative of the contributions heretofore made that in reality and legally speaking, in my judgment, should not have been made; but those in control of both the legislative and executive branches of our Government should without hesitation be glad at this late hour to assume complete and full control of this mighty project and act accordingly.

I recall that the President of the United States sent the Secretary of Commerce, Mr. Hoover, to visit the flooded areas during the time the flood was on and immediately after the flood had ceased. It was understood by the people of the Mississippi Valley that the Secretary of Commerce was the personal representative of the Chief Executive of this Nation. I certainly think this course of sending a representative to go over the premises was a wise one. It is to be regretted, however, that the President of the United States himself did not go over these premises during the floods or immediately thereafter. I attended, with other Members of Congress from Arkansas, a great gathering of the people in the capital of my State on the statehouse lawn in Little Rock, Ark., this past summer. There were probably 10,000 people present on that occasion. Both of our United States Senators were there, and many other men of distinction. Mr. Secretary Hoover, of course, was the principal guest of the evening. He spoke at great length, and amid the enthusiasm of perhaps every person present, we watched his speech carefully. In that speech the Secretary of Commerce, Mr. Hoover, plainly stated that the Mississippi River and her tributaries were not a local but a national question. He proposed that the Federal Government should and would assume complete control of it in order that the devastation that accompanied the floods of 1927 would never again occur in the history of this Republic. Mr. Hoover did not mention or intimate that the local people would be called upon for any contribution whatsoever.

Now, when the legislation is at hand we find the Secretary of Commerce, Mr. Hoover, either lined up with the President or mum upon the question of local contributions. He is either fishing in Florida or contesting for State delegations for the presidential nomination with favorite sons in Ohio, Indiana, and other States, while those of us who relied upon him are completely disappointed. It reminds one of the old expression, "Where, oh where is Roderick Dhu when one blast from his bugle to-day" would or should mean so much for the people whom he led to believe he would do his utmost to help.

I deem it necessary to put into the RECORD the best data I can get upon the losses that occurred during the last flood in the sixth district of Arkansas, the district I have the honor to represent in this Congress:

ARKANSAS COUNTY	
400 houses destroyed and damaged.....	\$320,000
10 stores destroyed and damaged.....	10,000
400 barns destroyed and damaged.....	100,000
200 other buildings destroyed and damaged.....	20,000
Damage to merchandise.....	10,000
Damage to farm implements.....	3,000
Damage to feed.....	3,000
Damage to seed.....	2,000
Damage to household goods.....	50,000
10 horses and mules lost.....	1,000
25 cattle lost.....	500
250 hogs lost.....	2,500
350 poultry lost.....	175
Cost of replanting.....	13,000
Loss of rents on lands not cultivated by reason of overflow.....	200,000
Business losses.....	250,000
Damage to growing crops.....	100,000

Total property damage..... 1,145,775

CLEVELAND COUNTY	
10 houses damaged.....	3,000
3 barns damaged.....	600
2 other buildings destroyed.....	600
20 other buildings damaged.....	2,000
Damage to farm implements.....	1,000
Damage to feed.....	10,000
Damage to seed.....	100
Damage to household goods.....	500
10 horses and mules lost.....	1,000
25 cattle lost.....	625
500 hogs lost.....	5,000
50 sheep and goats lost.....	100
500 poultry lost.....	500
Cost of replanting.....	5,000
Damage to land by washing and spreading of obnoxious grasses.....	1,000

Loss of rents on lands not cultivated by reason of overflow	\$500
Business losses	20,000
Damage to growing cotton crop	5,000
Damage to private roads and bridges	1,000
Damage to private ditches and drains	1,000
Total property damage	58,525

DREW COUNTY

10 horses and mules lost	1,250
10 cattle lost	400
Business losses	10,000
Total property damage	11,650

DESHA COUNTY

3,000 houses destroyed	1,500,000
3,000 houses damaged	900,000
35 stores destroyed	26,250
165 stores damaged	82,500
5 gins destroyed	50,000
5 gins damaged	5,000
500 barns destroyed	300,000
500 barns damaged	150,000
6,000 other buildings destroyed	600,000
Damage to merchandise	75,000
Damage to baled cotton	175,000
Damage to farm implements	20,000
Damage to automobiles	45,000
Damage to feed	125,000
Damage to seed	50,000
Damage to household goods	1,800,000
3,000 horses and mules lost	300,000
2,800 cattle lost	56,000
3,500 hogs lost	35,000
350 sheep and goats lost	1,050
10,000 poultry lost	5,000
Cost of replanting	100,000
Damage to land by washing and spreading of obnoxious grasses	375,000
Loss of rents on lands not cultivated by reason of overflow	500,000
Damage to 100 miles of fence	15,000
Business losses	1,000,000
Damage to growing cotton crops	500,000
Damage to other growing crops	150,000
Damage to private roads and bridges	50,000
Damage to matured crops	20,000
Damage to school buildings and equipment	15,000
Total property damage	9,025,800

GARLAND COUNTY

12 houses destroyed	7,200
6 houses damaged	2,400
5 stores destroyed	3,000
2 stores damaged	400
12 barns destroyed	300
6 barns damaged	750
Damage to merchandise	6,000
Damage to farm implements	2,500
Damage to feed	4,000
Damage to household goods	6,000
20 horses and mules lost	2,000
40 cattle lost	800
75 hogs lost	750
250 poultry lost	125
Cost of replanting	15,000
Damage to land by washing and spreading of obnoxious grasses	125,000
Loss of rents on lands not cultivated by reason of overflow	5,000
Damage to 35 miles of fence	7,000
Business losses	100,000
Damage to growing cotton crop	25,000
Damage to other growing crops	25,000
Damage to private roads and bridges	1,250
Damage to private ditches and drains	1,250
Total property damage	343,425

HOT SPRING COUNTY

40 houses damaged	6,000
20 barns destroyed	8,000
20 barns damaged	2,000
75 other buildings destroyed	3,750
Damage to farm implements	5,000
Damage to feed	10,000
100 horses and mules lost	10,000
1,000 cattle lost	20,000
1,000 hogs lost	8,000
Cost of replanting	15,000
Damage to land by washing and spreading of obnoxious grasses	150,000
Loss of rents on lands not cultivated by reason of overflow	90,000
Damage to 40 miles of fence	2,000
Business losses	500,000
Damage to growing cotton crop	400,000
Damage to other growing crops	50,000
Damage to private roads and bridges	5,000
Damage to private ditches and drains	2,000
Total property damage	1,286,750

JEFFERSON COUNTY

10 houses destroyed	20,000
500 houses damaged	15,000
5 stores destroyed	7,500
100 stores damaged	10,000
20 gins damaged	10,000
5 barns destroyed	2,500
50 barns damaged	2,500
200 other buildings destroyed	3,100
2,000 other buildings	8,000
Damage to merchandise	3,000

Damage to baled cotton	\$7,500
Damage to oil mills	5,000
Damage to farm implements	7,000
Damage to automobiles	1,000
Damage to feed	5,000
Damage to seed	1,000
Damage to household goods	2,000
10 horses and mules lost	1,000
15 cattle lost	1,250
700 hogs lost	7,000
50 sheep and goats lost	250
500 poultry lost	500
Cost of replanting	15,000
Damage to land by washing and spreading of obnoxious grasses	25,000
Loss of rents on lands not cultivated by reason of overflow	50,000
Damage to fences	4,000
Business losses	75,000
Damage to growing cotton crop	50,000
Damage to other growing crops	10,000
Damage to private roads and bridges	5,000
Damage to private ditches and drains	3,000
Damage to matured crops	2,000
Total property damage	358,100

LINCOLN COUNTY

12 houses destroyed	15,000
200 houses damaged	10,000
1 store destroyed	7,000
Damage to merchandise	5,000
Damage to baled cotton	2,000
Damage to farm implements	500
Damage to feed	10,000
Damage to seed	3,000
105 horses and mules lost	10,500
200 cattle lost	2,400
600 hogs lost	4,800
10 sheep and goats lost	25
2,500 poultry lost	1,875
Cost of replanting	5,000
Damage to land by washing and spreading of obnoxious grasses	5,000
Loss of rents on lands not cultivated by reason of overflow	15,000
Damage to 10 miles of fence	2,000
Business losses	50,000
Damage to growing cotton crop	5,000
Damage to other growing crops	3,000
Total property damage	156,650

LONOKE COUNTY

50 houses damaged	5,000
1 barn destroyed	500
10 barns damaged	500
Damage to feed	10,000
Damage to seed	4,000
Damage to household goods	3,500
2 horses and mules lost	200
25 cattle lost	1,250
1,500 poultry lost	1,200
100 hogs lost	1,500
Cost of replanting	75,000
Damage to land by washing and spreading of obnoxious grasses	50,000
Loss of rents on lands not cultivated by reason of overflow	50,000
Damage to growing crop	5,000
Damage to private roads and bridges	3,500
Damage to private ditches and drains	50,000
Total property damage	261,150

DALLAS COUNTY

By personal contact, telegrams, and letters I have attempted to get in touch with the situation to ascertain the amount of damages in Dallas County, and from such information available I can state that the damages to this county were more than \$40,000.

SALINE COUNTY

By using the same means to ascertain the amount of damages for the county of Saline caused by the flood of 1927 the best estimate I can make is that the damages amount to more than \$200,000.

GRANT COUNTY

By using the same information I have used in ascertaining the damages done in the other counties during the flood of 1927 my estimate of the amount of damage for the county of Grant is \$50,000.

The total amount of damages, as near as can be ascertained, for the 12 counties embracing the sixth congressional district of Arkansas is \$12,937,825.

This gross amount of damage that occurred by reason of the 1927 flood is obtained from the best authorities I can get on the subject. I can state that it is not overestimated, but the converse is probably true.

In addition to the excessive loss of personal property there was much damage done by reason of land being washed away and otherwise injured, and last, but not least, many lives were lost, there being 98 deaths in the State of Arkansas alone by reason of these floods.

I have attended many of the hearings before the Flood Control Committee of the House of Representatives and I can state that I do believe that committee has worked as hard as any committee ever worked and has diligently sought to bring forth a

bill that, if enacted into a law with some amendments more properly caring for the tributaries, would make it physically impossible for these floods to occur again.

I will not attempt to discuss the physical or engineering features of this mighty project, but I do know that the greatest engineering minds of our country are supporting the plan outlined in the House bill.

During the preparation of these observations the House of Representatives has passed, by a vote of 254 for and 91 votes against, Senate bill 3740, known as the Jones bill, with many of the features of the Reid bill being adopted to said Senate bill. While this bill is hardly all that we had hoped would pass the House of Representatives, all matters considered, I think this a good bill. I do believe that when this bill is finally put into operation that it will forever prevent the menace of floods on the Mississippi River and her tributaries.

Of course, this bill is still before the American Congress and will now go to the Senate, where we believe the amendments adopted by the House will be concurred in by the Senate. The author of the bill, Senator JONES, of the State of Washington, has stated in public print that the amendments adopted by the House would, in his judgment, strengthen the bill.

It is still urged by some of the administration's leaders that the President will veto this bill. It is urged that the President will veto the bill because the bill does not provide sufficiently for local contributions, and further because the bill does not provide for the upkeep of certain projects after same have been constructed by the Federal Government. Leaders for the administration state there are other objections on behalf of the President of a similar import.

I do not believe the President of the United States will veto this bill, which will doubtless be before the Congress for many days yet, but when it finally reaches the President's hand I do not believe that the President of this great Republic with the light that will be before him at that time will veto and strike down the relief offered in the bill. As stated, this bill may be far from perfect, but it does embrace the work of those of us who have done the best we could to remedy an evil that is recognized to be the great, gigantic problem of America to-day. It is not necessary to comment upon the necessity for legislation along this line; it is conceded in every part of America. It is not necessary to pick out specific instances where it is the duty of the Government of the United States to go to the relief of the affected territory. Suffice it to say that more than two-thirds of the Members of the House have subscribed their names to a bill that in the main will give protection in the future to our people who so richly deserve it.

Future Congresses will doubtless be called upon and doubtless should be called upon to enact statutes perfecting the plan as outlined in this bill. It was said on the floor of the House that before the plans as outlined in this bill are carried out it will cost the Government more than a billion dollars. To my mind, this is no argument against it. We only have one Mississippi River; it is our river, it is the Federal Government's river, and it is our duty to assume the responsibility.

Since the signing of the Declaration of Independence, as a whole the leaders of thought of this Nation have attempted to study the problems we have with us and to properly analyze and solve them, whether they be problems of war or questions before us in peace time. The passage of this bill and the putting into operation thereof will not require the physical bravery which has actuated our great generals in the past, but it does and will require the expenditure of a vast sum of money and it will require an exemplification of the best engineering thought of the world. No one can state that those charged with the promulgation of this plan have acted hastily. For more than six months the Committee on Flood Control has been taking testimony not only with reference to the damages caused by the flood of 1927 but with a view of finding a plan that will prevent a recurrence, or even more, an overflow whereby the slightest damage may occur. Thousands of witnesses have been heard, thousands of dollars expended in an honest endeavor to accumulate data upon which to act. And now that the Congress has acted let our people enter into the operation of this plan whole-heartedly with full confidence in the ability and integrity of those called upon officially to carry out the provisions of this bill.

Mr. GARBNER. Mr. Speaker and Members of the House, the States of Oklahoma, Kansas, Texas, New Mexico, and Colorado, members of the Interstate Commission for the Control of the Arkansas and the Red Rivers, have through noted civilian engineers studied the reservoir question with a view of holding back the flood run-off from a sufficient part of the drainage basin to enable the river and its major tributaries to safely pass the remaining storm water.

They started on a theory of holding back the run-off from one-third of the area, but developed their plan to the control of something more than 40 per cent of any possible flood run-off, and of more than 50 per cent of the basin area. So far, no reported storm has ever covered the entire two basins, which comprise nearly one-fourth of the Mississippi Valley.

The civilian engineers' plan was exactly the opposite of the Army engineers' plan, the plan of the civilian engineers being to keep the floods out of the river and the Army plan being to let the floods into the river and there undertake to capture or control them.

The civilian plan resulted in the adoption of approximately 200 sites for reservoirs distributed throughout the drainage basin of the two rivers, keeping on the tributaries and off the main stem of the stream so that no storm on the basin could escape the control.

The surveys being made and the costs being carefully calculated, it developed that complete and assured control of the entire basin of the two rivers could be accomplished by the widely distributed reservoirs at a cost of approximately \$100,000,000, which is about half the amount of money suggested by the Army engineers to care for the waters after they reach the so-called alluvial valley.

These two rivers furnished something more than half of the flood of 1927, and had these two rivers been under control the overflow of 1927 would not have occurred and the entire lower country would have been saved.

Considering the area and the character of the country, the length of the rivers, the average annual rainfall, and seasonal conditions, very competent engineers have estimated that the corresponding and equal control of the Missouri River, of three times the area, but much less flood flow, could be handled at about \$165,000,000; that the upper Mississippi could be kept within bank limits for \$40,000,000, and that the Ohio and tributaries could be completely reservoirized to keep it within undestructive bank limits for \$250,000,000; so that the total prospective cost of reservoir control by the civilian plan for the entire Mississippi Valley should be somewhere between \$500,000,000 and \$600,000,000.

A large part of this would be reimbursed in the course of years, the greatest reimbursement being the introduction into the country of dependable bodies of water where water does not exist, as promotive of the pleasures and enjoyments of life, fish and game production, and comfort accessible to people. One who has not lived in the interior has no comprehension of the value of this use. In the very far West, irrigation and tree growing would ultimately—after 20 years or more, which is a short period in governmental life—repay the outlay.

Finally, the regulated flow of these rivers would assure navigation to an extent never before known or enjoyed; would stop the washing out of the river banks and levees by the high floods, make dredging of bars and revetting and riprapping of the banks unnecessary. It is thus shown to be more advisable than the other plans of Mississippi River control.

It is also much cheaper. I know of no civilian engineer who has figured the cost of the Jadwin plan at less than \$1,000,000,000, and the more general opinion is \$1,500,000,000. Outside of initial money outlay, it takes out of the lower Mississippi Valley 10,000 square miles, or one-third of the valley, and dedicates it to flood ways. It is really turning back to the river for flood use a greater part of the Mississippi Valley than the river would ever overflow if there had never been built a single foot of levees. Stated in the reverse, it means that after having spent \$500,000,000 to keep the Mississippi River off of the lower valley it is now proposed to spend over a billion dollars to turn it back into the occupation of more of the valley than it in nature occupied.

The reservoir board of the United States Army did make a report on reservoirs last year after two or three months of conjecture, but without any work. The interstate commission submitted to them its maps, figures, locations, and estimates, both of cost and effect. Some of the members of the board have admitted that the distributed reservoirs would have the effect stated and would cost substantially as estimated, but the reservoir board abandoned on the Arkansas and Red River Basins almost the entire work that has been laboriously and painstakingly done the past eight years, and at an expense of several hundred thousand dollars, and substituted, conjectured, or projected reservoirs across the main stems of the big rivers like the Red, the Arkansas, the Missouri, and the Mississippi, as, for instance, they placed one reservoir across the Mississippi just above Cairo, one across the Missouri just above the confluence of the Mississippi and several others in the main stem of such rivers, to which no civilian engineer yet interviewed has given approval. The effect credited to such reservoirs was

then given as very inadequate to accomplish flood control and the cost as prohibitive.

The work of the Interstate Commission on the Arkansas and Red Rivers was the work of a hundred or more very competent civil engineers, who had spent a lifetime in the practice of their profession. The work has been scrutinized, considered, and discussed by some of the most distinguished engineers in America, and has met the approval of everyone to whom it has been submitted, both as to cost and effect.

Considering the area alone, the cost of the Army plan approximates \$1,000 per square mile of the Mississippi Valley. The cost of the Mississippi River plan is approximately \$700 per square mile. The cost of the reservoir plan on the Arkansas and the Red Rivers, the two most dangerous rivers of the Mississippi tributaries and furnishing more than half of the 1927 flood, is \$360 per square mile. Considered specifically as to the 1927 flood on the Arkansas River, which contributed more than half of the damage, the storm area of the 1927 flood would have been controlled under the reservoir plan of the interstate commission at a cost of about \$21,000,000. That is to say, \$21,000,000 would, put into the reservoirs selected by the engineers for the interstate commission, have prevented the Arkansas flood of 1927, which in turn would have prevented the Mississippi flood of 1927, the destruction of which has been given as from \$400,000,000 to \$800,000,000.

Charging against the Arkansas only half of the destruction of the 1927 flood, it could have been prevented by reservoirs at one-twentieth of the cost of destruction in that one year.

All these matters were fairly and fully presented to the Army engineers, but were discarded for the suggested plan of buying half of the lower river valley for the river and walling the flood waters off the other half.

In point of time, the Army plan contemplates 10 years before any effect could be had, as the chain is not completed without the last link. Every reservoir installed has immediate effect. The entire Arkansas and Red River Basins, practically one-fourth of the area and actually the dangerous half of the Mississippi flood, could be installed in two years. Nine-tenths of it could be installed the first year after the money was available. Four of the reservoirs are large enough to probably require two years to complete. However, their incompleteness would not impair the effect of the others that could be completed in a year's time. Moreover, a break anywhere in the levee chain on a floodway chain destroys the whole chain. A loss of one reservoir does not interfere with another one.

If the levee system proves insufficient or inadequate, the entire system must be increased to supply the adequacy along the whole length of the levees, 1,800 miles. If the reservoir system proves inadequate, additional reservoirs may be installed without in any way affecting the other works, other than to make them safer, as the civilian engineers stay away from the main stream and control the drainage area, the antithesis of the Army engineers keeping on the main stream and fighting the flood after it has accumulated.

The civilian plan places the reservoirs generally on unused and inexpensive land, where no economic loss is entailed and no expensive improvements must be changed. The Army plan sacrifices the richest of the Mississippi Valley and necessitates changes of railroads, highways, and other improvements, easily figured more than \$100,000,000. In other words, the rearrangement of utilities alone under the Army plan exceeds the carefully calculated cost of complete control of the Arkansas and the Red Rivers under the civilian plan.

The interstate commission is prepared to submit what ought to be satisfactory proof that the reservoir plan is the cheapest, quickest, safest, more logical, and most certain of all plans suggested. In addition, it protects the properties in the valley of the river above the alluvial basin, where vastly greater property losses occur and much greater public inconvenience and interruption of commerce occur, and where greater national benefits would be received than from the installation of the Army plan.

EXTENSION OF REMARKS

Mr. REID of Illinois. Mr. Speaker, when I made the request the other day that Members might have five days within which to extend their remarks in the RECORD upon this bill, I made it for five days from that time. I ask unanimous consent to extend that now to five days from to-day.

The SPEAKER. The gentleman from Illinois asks unanimous consent that all Members may have five days from to-day within which to extend their own remarks in the RECORD upon this bill. Is there objection?

There was no objection.

Mr. MAJOR of Illinois. Mr. Speaker, I ask unanimous consent to print in the RECORD in connection with the extension of my remarks upon the bill two newspaper editorials and some letters.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by quoting from newspaper editorials on this bill. Is there objection?

Mr. MADDEN. Mr. Speaker, I insist that any extension of remarks upon this subject shall be the remarks of the individual who makes them, without newspaper clippings or anything.

Mr. LAGUARDIA. How about the law on the subject?

Mr. MADDEN. Well, there is no law on this subject.

Mr. MAJOR of Illinois. What about witnesses who testified before the committee?

Mr. MADDEN. The gentleman means he wants to quote their testimony? I do not think we ought to have the testimony repeated. There have been thousands of pages of it. I think we ought to confine these extensions to the remarks of gentlemen who made them.

The SPEAKER. The gentleman from Illinois objects.

PENSIONS—WITHDRAWAL OF A CONFERENCE REPORT

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to withdraw from the files of the House a conference report which I filed yesterday on the Senate bill 2900.

The SPEAKER. The gentleman from Indiana asks unanimous consent to withdraw from the files of the House a conference report upon the bill referred to. Is there objection?

There was no objection.

PRINTING OF THE BILL

Mr. REID of Illinois. Mr. Speaker, I ask unanimous consent that the bill as it passed to-day—that is, including the amendments—be printed in the RECORD.

The SPEAKER. The gentleman asks unanimous consent that the bill be printed in the RECORD as it passed to-day. Is there objection?

There was no objection.

Mr. REID of Illinois. Mr. Speaker, would that include also an order for the printing of the bill otherwise than in the RECORD? If not, I ask that that be done.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill may be printed as it passed to-day. Is there objection?

There was no objection.

The bill is as follows:

An act (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes

Be it enacted, etc., That the project for the flood control of the Mississippi River in its alluvial valley and for its improvement from the Head of the Passes to Cape Girardeau, Mo., in accordance with the engineering plan set forth and recommended in the report submitted by the Chief of Engineers to the Secretary of War dated December 1, 1927, and printed in House Document No. 90, Seventieth Congress, first session, is hereby adopted and authorized to be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers: *Provided*, That a board to consist of the Chief of Engineers, the president of the Mississippi River Commission, and a civil engineer chosen from civil life, to be appointed by the President, by and with the advice and consent of the Senate, whose compensation shall be fixed by the President and be paid out of the appropriations made to carry on this project, is hereby created; and such board is authorized and directed to consider the engineering differences between the adopted project and the plans recommended by the Mississippi River Commission in its special report dated November 28, 1927, and after such study and such further surveys as may be necessary, to recommend to the President such action as it may deem necessary to be taken in respect to such engineering differences, and the decision of the President upon all recommendations or questions submitted to him by such board shall be followed in carrying out the project herein adopted. The board shall not have any power or authority in respect to such project except as hereinbefore provided. Such project and the changes therein, if any, shall be executed in accordance with the provisions of section 8 of this act. Such surveys shall be made between Baton Rouge, La., and Cape Girardeau, Mo., as the board may deem necessary to enable it to ascertain and determine the best method of securing flood relief in addition to levees, before any flood-control works other than levees and revetments are undertaken on that portion of the river: *Provided*, That all diversion works and outlets constructed under the provisions of this act shall be built in a manner and of a character which will fully and amply protect the adjacent lands: *Provided further*, That pending completion of any flood way, spillway, or diversion channel the areas within the same shall be given the same degree of protection as is

afforded by levees on the west side of the river contiguous to the levee at the head of said flood way, but nothing herein shall prevent, postpone, delay, or in anywise interfere with the execution of the project on the east side of the river, including raising, strengthening, and enlarging the levees on the east side of the river. The sum of \$325,000,000 is hereby authorized to be appropriated for this purpose.

All unexpended balances of appropriations heretofore made for prosecuting work of flood control on the Mississippi River in accordance with the provisions of the flood control acts approved March 1, 1917, and March 4, 1923, are hereby made available for expenditure under the provisions of this act, except section 13.

SEC. 2. That it is hereby declared to be the sense of Congress that the principle of local contributions toward the cost of flood-control work, which has been incorporated in all previous national legislation on the subject, is sound, as recognizing the special interest of the local population in its own protection, and as a means of preventing inordinate requests for unjustified items of work having no material national interest. As a full compliance with this principle in view of the great expenditure, estimated at approximately \$292,000,000, heretofore made by the local interests in the alluvial valley of the Mississippi River for protection against the floods of that river; in view of the extent of national concern in the control of these floods in the interests of national prosperity, the flow of interstate commerce, and the movement of the United States mails; and, in view of the gigantic scale of the project, involving flood waters of a volume and flowing from a drainage area largely outside the States most affected, and far exceeding those of any other river in the United States, no local contribution to the project herein adopted is required.

SEC. 3. Except when authorized by the Secretary of War upon the recommendation of the Chief of Engineers, no money appropriated under authority of this act shall be expended on the construction of any item of the project until the States or levee districts have given assurances satisfactory to the Secretary of War that they will (a) maintain all flood-control works after their completion, except controlling and regulating spillway structures, including special relief levees; maintenance includes normally such matters as cutting grass, removal of weeds, local drainage, and minor repairs of main river levees; (b) agree to accept the title to land turned over to them under the provisions of section 4; (c) provide, without cost to the United States, all rights of way for levee foundations and levees on the main stem of the Mississippi River between Cape Girardeau, Mo., and the Head of Passes.

No liability of any kind shall attach to or rest upon the United States for any damage from or by floods or flood waters at any place: *Provided, however*, That if in carrying out the purposes of this act it shall be found that upon any stretch of the banks of the Mississippi River it is impracticable to construct works for the protection of adjacent lands, and that such adjacent lands will be subject to damage by the execution of the general flood-control plan, it shall be the duty of the board herein provided to cause to be acquired on behalf of the United States Government either the absolute ownership of the lands so subjected to overflow, or floodage rights over such land.

SEC. 4. The United States shall provide flowage rights for destructive flood waters that will pass by reason of diversions from the main channel of the Mississippi River and shall control, confine, and regulate such diversions.

The Secretary of War may cause proceedings to be instituted for the acquirement by condemnation of any lands, easements, or rights of way which, in the opinion of the Secretary of War, are needed in carrying out this project, the said proceedings to be instituted in the United States district court for the district in which the land, easement, or right of way is located. In all such proceedings the court, for the purpose of ascertaining the value of the property and assessing the compensation to be paid, shall appoint three commissioners, whose award, when confirmed by the court, shall be final. When the owner of any land, easement, or right of way shall fix a price for the same which, in the opinion of the Secretary of War is reasonable, he may purchase the same at such price; and the Secretary of War is also authorized to accept donations of lands, easements, and rights of way required for this project. The provisions of sections 5 and 6 of the river and harbor act of July 18, 1918, are hereby made applicable to the acquisition of lands, easements, or rights of way needed for works of flood control: *Provided*, That the title to any land acquired under the provisions of this section, and used in connection with the works authorized by this act, shall be turned over without cost to the States or levee districts, which shall retain the same for the purposes specified in this act.

SEC. 5. Subject to the approval of the heads of the several executive departments concerned, the Secretary of War, on the recommendation of the Chief of Engineers, may engage the services and assistance of the Coast and Geodetic Survey, the Geological Survey, or other mapping agencies of the Government, in the preparation of maps required in furtherance of this project, and funds to pay for such services may be allotted from appropriations made under the authority of this act.

SEC. 6. Funds appropriated under authority of section 1 of this act may be expended for the prosecution of such works for the control of the floods of the Mississippi River as have heretofore been authorized and are not included in the present project, including levee work on the Mississippi River between Rock Island, Ill., and Cape Girardeau, Mo., and on the outlets and tributaries of the Mississippi River between Rock Island and Head of the Passes in so far as such outlets or tributaries are affected by the backwaters of the Mississippi: *Provided*, That for such work on tributaries the States or levee districts shall provide rights of way without cost to the United States, contribute 33½ per cent of the cost of the works, and maintain them after completion: *And provided further*, That not more than \$10,000,000 of the sum authorized in section 1 of this act shall be expended under the provisions of this section.

In an emergency funds appropriated under authority of section 1 of this act may be expended for the maintenance of any levee when it is demonstrated to the satisfaction of the Secretary of War that the levee can not be adequately maintained by the State or levee district.

SEC. 7. That the sum of \$5,000,000 is authorized to be appropriated as an emergency fund to be allotted by the Secretary of War on the recommendation of the Chief of Engineers, in rescue work or in the repair or maintenance of any flood-control work on any tributaries of the Mississippi River threatened or destroyed by flood, including the flood of 1927.

SEC. 8. The project herein authorized shall be prosecuted by the Mississippi River Commission under the direction of the Secretary of War and supervision of the Chief of Engineers and subject to the provisions of this act. It shall perform such functions and through such agencies as they shall designate after consultation and discussion with the president of the commission. For all other purposes the existing laws governing the constitution and activities of the commission shall remain unchanged. The commission shall make inspection trips of such frequency and duration as will enable it to acquire first-hand information as to conditions and problems germane to the matter of flood control within the area of its jurisdiction; and on such trips of inspection ample opportunity for hearings and suggestions shall be afforded persons affected by or interested in such problems. The president of the commission shall be the executive officer thereof and shall have the qualifications now prescribed by law for the Assistant Chief of Engineers, shall have the title brigadier general, Corps of Engineers, and shall have the rank, pay, and allowances of a brigadier general while actually assigned to such duty: *Provided*, That the present incumbent of the office may be appointed a brigadier general of the Army, retired, and shall be eligible for the position of president of the commission if recalled to active service by the President under the provisions of existing law.

The salary of the president of the Mississippi River Commission shall hereafter be \$10,000 per annum, and the salary of the other members of the commission shall hereafter be \$7,500 per annum. The official salary of any officer of the United States Army or other branch of the Government appointed or employed under this act shall be deducted from the amount of salary or compensation provided by, or which shall be fixed under, the terms of this act.

SEC. 9. The provisions of sections 13, 14, 16, and 17, of the river and harbor act of March 3, 1899, are hereby made applicable to all lands, waters, easements, and other property and rights acquired or constructed under the provisions of this act.

SEC. 10. That it is the sense of Congress that the surveys of the Mississippi River and its tributaries, authorized pursuant to the act of January 21, 1927, and House Document No. 308, Sixty-ninth Congress, first session, be prosecuted as speedily as practicable, and the Secretary of War, through the Corps of Engineers, United States Army, is directed to prepare and submit to Congress at the earliest practicable date projects for flood control on all tributary streams of the Mississippi River system subject to destructive floods, which projects shall include: The Red River and tributaries, the Yazoo River and tributaries, the White River and tributaries, the St. Francis River and tributaries, the Arkansas River and tributaries, the Ohio River and tributaries, the Missouri River and tributaries, and the Illinois River and tributaries; and the reports thereon, in addition to the surveys provided by said House Document 308, Sixty-ninth Congress, first session, shall include the effect on the subject of further flood control of the lower Mississippi River to be attained through the control of the flood waters in the drainage basins of the tributaries by the establishment of a reservoir system; the benefits that will accrue to navigation and agriculture from the prevention of erosion and siltage entering the stream; a determination of the capacity of the soils of the district to receive and hold waters from such reservoirs; the prospective income from the disposal of reservoir waters; the extent to which reservoir waters may be made available for public and private uses; and inquiry as to the return flow of waters placed in the soils from reservoirs, and as to their stabilizing effect on stream flow as a means of preventing erosion, siltage, and improving navigation: *Provided*, That before transmitting such reports to Congress the same shall be presented to the board

created in section 1 of this act, and its conclusions and recommendations thereon shall be transmitted to Congress by the Secretary of War with his report.

The sum of \$5,000,000 is hereby authorized to be used out of the appropriation herein authorized in section 1 of this act, in addition to amounts authorized in the river and harbor act of January 21, 1927, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the preparation of the flood-control projects authorized in this section: *Provided further*, That the flood surveys herein provided for shall be made simultaneously with the flood-control work on the Mississippi River provided for in this act: *And provided further*, That the President shall proceed to ascertain through the Secretary of Agriculture the extent to and manner in which the floods in the Mississippi Valley may be controlled by proper forestry practice.

SEC. 11. That the Secretary of War shall cause the Mississippi River Commission to make an examination and survey of the Mississippi River below Cape Girardeau, Mo., (a) at places where levees have heretofore been constructed on one side of the river and the lands on the opposite side have been thereby subjected to greater overflow, and where, without unreasonably restricting the flood channel, levees can be constructed to reduce the extent of this overflow, and where the construction of such levees is economically justified, and report thereon to the Congress as soon as practicable with such recommendations as the commission may deem advisable; (b) with a view to determining the estimated effects, if any, upon lands lying between the river and adjacent hills by reason of overflow of such lands caused by the construction of levees at other points along the Mississippi River, and determining the equities of the owners of such lands and the value of the same, and the commission shall report thereon to the Congress as soon as practicable with such recommendation as it may deem advisable: *Provided*, That inasmuch as the Mississippi River Commission made a report on the 26th day of October, 1912, recommending a levee to be built from Tiptonville, Tenn., to the Obion River in Tennessee, the said Mississippi River Commission is authorized to make a resurvey of said proposed levee and a relocation of the same if necessary, and if such levee is found feasible, and is approved by the board created in section 1 of this act, and by the President, the same shall be built out of appropriations hereafter to be made.

SEC. 12. All laws or parts of laws inconsistent with the above are hereby repealed.

SEC. 13. That the project for the control of floods in the Sacramento River, Calif., adopted by section 2 of the act approved March 1, 1917, entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," is hereby modified in accordance with the report of the California Débris Commission submitted in Senate Document No. 23, Sixty-ninth Congress, first session: *Provided*, That the total amounts contributed by the Federal Government, including the amounts heretofore contributed by it, shall in no event exceed in the aggregate \$17,000,000.

SEC. 14. In every contract or agreement to be made or entered into for the acquisition of land either by private sale or condemnation as in this act provided, the provisions contained in section 3741 of the Revised Statutes, being section 22 of title 41 of the United States Code, shall be applicable.

MESSAGE FROM THE PRESIDENT—OAKLAND HARBOR, CALIF.

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

In compliance with the resolution of the House of Representatives of April 20, 1928 (the Senate concurring), I return herewith H. J. Res. 244, entitled "Joint resolution authorizing a modification of the adopted project for Oakland Harbor, Calif."

CALVIN COOLIDGE.

THE WHITE HOUSE, April 24, 1928.

HOUSE CONCURRENT RESOLUTION

Mr. CARTER. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution which I send to the desk and ask to have read.

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 32

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the Vice President in signing the joint resolution (H. J. Res. 244) entitled "A joint resolution authorizing the modification of the adopted project for Oakland Harbor, Calif.," be rescinded, and that in the re-enrollment of said joint resolution the word "June" be stricken out and the word "January" be inserted in lieu thereof.

The SPEAKER. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, Mr. Speaker, does the gentleman actually want the former action rescinded? The resolution is back here.

Mr. CARTER. Yes. It has to be signed over again, and you have to rescind their action in signing.

The SPEAKER. Is there objection?

Mr. CHINDBLOM. Mr. Speaker, I withdraw my reservation.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

ORDER OF BUSINESS

Mr. BANKHEAD. May I ask the gentleman from Connecticut [Mr. TILSON] if it is the understanding that Calendar Wednesday will function to-morrow and the Committee on the Merchant Marine and Fisheries will have the call?

Mr. TILSON. There has heretofore been some unwillingness to dispense with business in order on Calendar Wednesday. At this point in the session I think that I should not ask that Calendar Wednesday be dispensed with to-morrow unless the committee most directly concerned requests it. This has not been done in this case.

Mr. BANKHEAD. Then that means that there will be Calendar Wednesday to-morrow?

Mr. TILSON. So far as I know, that is the program.

Mr. HASTINGS. May I ask if the McNary-Haugen bill will be taken up to-morrow?

Mr. TILSON. I might ask unanimous consent to consider to-morrow a rule for the consideration of the McNary-Haugen bill, so that we could begin on Thursday morning with the bill itself.

Mr. BANKHEAD. Why not ask for that now?

Mr. RAMSEYER. I think that nothing can be gained by mapping out a program here to-day like that.

Mr. TILSON. If there is objection, Mr. Speaker, of course, I shall withdraw the request.

Mr. GARNER of Texas. I understand the policy of Congress is that in case there is no objection to dispensing with Calendar Wednesday it will be dispensed with.

Mr. TILSON. There have been occasions when committees concerned have asked for it to be dispensed with by a two-thirds vote.

Mr. GARNER of Texas. I do not know of any more important bill to consider in the House than the McNary-Haugen bill.

Mr. TILSON. To-morrow, if two-thirds should insist that we do so, it would be done. I would not ask now without the request of the committee next on the calendar.

Mr. GARRETT of Tennessee. With respect to the McNary-Haugen bill, I understand it is desired by the committee to have some change made in the rule. I do not know just what it is, but I understood that a meeting of the Committee on Rules would be called for to-morrow morning.

Mr. TILSON. To change the rule?

Mr. GARRETT of Tennessee. Yes.

Mr. TILSON. I have heard nothing of what the gentleman states.

Mr. WHITE of Maine. Mr. Speaker, the Committee on the Merchant Marine and Fisheries has three bills ready to present to-morrow. If it is the desire of the House to act on a rule making the farm relief bill in order, I would be willing to give way. We have three bills, and I think we could dispose of them within a reasonably short time.

Mr. MADDEN. What three bills?

Mr. WHITE of Maine. One establishing a steamboat-inspection office in the State of Washington.

Mr. MADDEN. Why an extra steamboat-inspection office?

Mr. WHITE of Maine. I think that will appear when the bill is taken up and discussion had of it. The Committee on the Merchant Marine and Fisheries was satisfied not only of the propriety but of the necessity for it, and has so reported to the House.

Now, there is another bill that ought not to take a long time unless many Members desire to talk upon it. That is a bill extending the thanks of Congress to the officers and crews of various ships that have saved life at sea under very extraordinary conditions and circumstances of heroism.

The third bill authorizes and directs the Bureau of Fisheries to study ways and means of protecting fish from irrigation and reclamation projects in the West. It appears that at the present time millions upon millions of edible fish are drawn from the lakes and headwaters of streams down into these irrigation ditches and when the water is let out these fish are entirely lost. We regard it as a conservation measure of real importance.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Maine. Yes. I think these bills might be passed with reasonable discussion, or they might take considerable time.

Mr. CRAMTON. Have the authorities of the Reclamation Service had a chance to be heard on the last bill? Have the Interior Department authorities had any chance to be heard on it?

Mr. JOHNSON of Washington. I believe not; but hearings have been had, and the bill has been reported by agreement with the Budget.

Mr. CRAMTON. Can the gentleman give the number of that bill?

Mr. WHITE of Maine. At the moment I can not give the number of the bill. The reclamation officers were not before the committee.

Mr. LAGUARDIA. It is not the bill which creates new fisheries in various States?

Mr. WHITE of Maine. Oh, no; it simply asks the Bureau of Fisheries to study ways and means for preventing this great destruction of fish.

Mr. CRAMTON. Then it is only a preliminary study?

Mr. WHITE of Maine. That is what it is.

Mr. CRAMTON. Of course, if it is only a preliminary study, I am not likely to object.

Mr. WHITE of Maine. It would be perfectly agreeable to our committee to have the rule on the farm bill taken up when we have completed these three bills, and if it is the desire of the House to do that to-morrow we will expedite, just as rapidly as we can, the consideration of these bills.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted—

To Mr. DOUGLAS of Arizona, at the request of Mr. LANHAM, for two days, on account of illness.

To Mr. TAYLOR of Tennessee, for one week, to attend State convention in Tennessee.

BUILDING FOR PERMANENCY AND ULTIMATE SUCCESS IN POLITICS

Mr. HAMMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered by me on November 11, 1927, to the Democratic Club of High Point, N. C.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HAMMER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech delivered by me November 11, 1927, to the Democratic Club, of High Point, N. C.:

It is said that years ago an obnoxious bill was brought up before a legislature in Illinois with orders from the party in control that it must be passed. The franchises carried in the bill would make piles of money for certain great and powerful interests that had been liberal in their campaign contributions to the political party which had triumphed in the preceding election.

The story goes that in the assembly there was a fine, clean young lawyer who was deeply concerned about the stand he should take in the matter. He said to a friend: "I am up against it. I know this bill is bad. You know it. Everybody knows it. I can not maintain my self-respect and vote the way they demand. If I do not vote for it, they say I'm through. Some of the men in charge of the bill are my friends. They have stood by me, and I ought to stand by them. What shall I do?" His friend said, "Why don't you talk to Roger Sullivan and get his advice?" The young man went to Sullivan and was advised to vote as his conscience should dictate. The arguments which that young man presented were the strongest ones made against the bill. It was defeated, and many prophesied his political death. Instead of being killed off, however, he went on up higher and is now a distinguished judge of the highest court in one of our large Western States.

Everywhere wise party leaders who build for permanency are on the lookout for candidates of integrity and uprightness who are able to command the respect of the public. They do not want weak men, mentally or morally unfit, for that type is known to develop such enormous appetites that they eventually eat up the party. Leaders are seeking power more than money. They are anxious to have a good government in order to maintain their power. They know that they can not lead long unless they seek out the best men for public office.

When a government is not good it is not always the fault of the party organizations. Much of the responsibility rests with the eminently respectable people who are so good that they fear contamination from engaging in an effort to nominate and elect the best men. That class of people think themselves too good to attend ward meetings or to run for office or do anything in the open. Sometimes they contribute money for campaign purposes and then refuse to attend the primaries or vote

in the elections. It takes both money and time to run an organization. It is the duty of every citizen to take a hand in his own Government.

Politics and politicians are no worse and no better than business and the average business man. It is true that we find now and then, and here and there, some graft and dishonesty in politics. That also happens in business. We hear much about corruption in politics and little about the wrong conduct of business because our politicians are in the limelight and when anything goes wrong there is a great noise and many investigations. That makes some people say that all political life is dirty and that decent people should stay out of politics. As a matter of fact, politicians lead exceptionally clean lives; first, because they want to; and, secondly, because they have to, for the searchlights of the public are continually turned upon their every movement.

Those people who are too good to take any hand in seeing how they are governed seldom let their leaders hear from them, or have the benefit of their advice, unless they want something for themselves or want to back a reform against a leader. About two-thirds of such reform movements are saintly efforts of the "outs" to get in. The other third would not be necessary if the reformers would do their duty as citizens in the first place and take a proper interest in their party organizations. Every now and then some fellow comes along and talks about cleaning up and making things decent. He cries out long and loud against what he is pleased to call "peanut" politics.

A man who cries out against the existing order should take an inventory of his own physiognomy and see if he is any better than the politicians he derides and condemns. If he should decide that he is a finer breed, he should look for a few others of like thought and establish a new government of his own creation.

An able politician tries to play fair in his appointments for the good of his constituents and for the preservation of his own political future. Of course he will choose his friends rather than his enemies. He can not hope to accomplish the best and most desirable results unless his policies are executed by those who are friendly to him and to his cause. Politics is but human nature—sordid as human nature is sordid and good as human nature is good. It has bad in it and it has good in it. If we would have the good, we must choose wisely our leaders.

POLITICAL LEADERS HUMAN

Plainly our political leaders are as human as are the balance of us. Suppose, however, that we had no good leaders and no real guidance of our party organization, what sort of candidates would be selected? The loud speakers, the makers of the biggest noise and the most extravagant promises, would float to the top. All people everywhere need wise, intelligent leadership, for without leadership there must come decay and death. Responsibility rests to a great extent in the selection and guidance of proper leadership. Those elected to office should, on the other hand, think first, of course, of the public interest and, second, of the party and its leadership. This is a good, sound Democratic doctrine that has been preached and expounded from Jefferson to Wilson.

Sometimes people become indifferent and need shaking up. Such was the case when Roosevelt disciplined his party.

With many the most popular indoor sport is criticizing public men and their acts. As a rule such critics know so little of public affairs that they just act on a general clean-up principle and take a stand against whoever happens to be doing something.

Of course, criticism by the opposition is proper and permissible. Their dissatisfaction prevents stagnation and often is most healthy and useful in preventing misconduct by public officials, but the first principle of intelligent, constructive criticism is that the critic should have a general knowledge of the conditions against which his remarks are directed. "I am a dissatisfied Democrat," Claude Kitchen used to say. So am I. Contentment is stagnation and death.

If we are discontented with what we have and want better schools, better roads, better streets, or better public officials, we should realize that all of these things cost money and that taxes must necessarily be increased if we are to obtain and enjoy these benefits. We should not seek to turn out a set of local public officials for getting what we ask for at an increased cost unless waste or extravagance is found in the getting of these benefits. Some one has truthfully said that most officials are damned if they do and damned if they don't, and have to spend so much time figuring the strength of the pros and cons of the dams that the wonder is that they can find time for proper service to the public.

We try to persuade ourselves that this is a government by law, while in truth it is a government of human beings by human beings who, through wise leadership, are seeking to conserve the rights and advance the interests of the majority.

We talk about statesmen elsewhere being superior to the home product, while in truth and in fact we have as a rule better statesmen than the other nations. After the Spanish-American War we freed Cuba and paid \$20,000,000 for the Philippines. After the World War Wilson doggedly refused to take any of the spoils offered us—for instance, Armenia and a few odds and ends of protectorates. The European statesmen were so impressed with our generosity that they thought up a plan to secure the inclusion of their war debts among our gifts. Our Foreign

Service has a habit, or has had until quite recently, of telling the truth and keeping its promises.

As a matter of fact politics is on a higher plane in America than in any other country on earth, and that is the case also with our business affairs. We have some plain, everyday cheating, but our generally high standard of business is recognized throughout the civilized world. The purchase of votes has never been respectable anywhere, and it is coming to be considered more and more disreputable, except in Pennsylvania and Illinois.

People who complain about politics should, if they mean what they say, get into politics and stay there and clean up. They should keep inside and help make politics better rather than stay on the outside making ugly faces and calling names.

THE DIRECT PRIMARY

The establishment of the direct primary was a protest against government that did not represent the will of all of the people. The popular demand for direct nominations has been adopted by most of the States. Forty-five have accepted the direct primary, and no State so adopting has ever been known to abandon the plan entirely.

Under the old convention system the people became disgusted with boss and ring rule. The wrongful, selfish power of the bosses has been greatly reduced by the direct-primary plan. More voters now attend the primaries. A primary can not be bought or stampeded, and dark horses can not be put forward to blind the people or split the vote.

The primary has to a great extent purified and elevated politics and in a measure restored government to the people in those offices included in its provisions. The old-time political machine has very generally been crushed, and where it does still exist the corruption and iniquities are being exposed.

It is not the direct primary but newspaper abuse and vilification and misrepresentation that in most instances keep the best type of candidate out of office. The amount of money expended in all the States except Pennsylvania and Illinois in 1926 was small. In these two States adequate laws had not been adopted limiting expenditures.

Where abuses have been found to exist under direct primaries they have been quickly exposed and punished—a thing impossible under the caucus and convention system. The convention system is best adapted to the control of an "invisible government" of the industrial-political magnates. Where States or counties are controlled by one party the reason for the direct primary is of the greatest importance. About half the States are one-party States. The direct primary is of great value and convenience to women, because few women care to attend precinct meetings and political conventions. To condemn the direct primary because all voters do not participate is like condemning universal suffrage because all who are eligible do not vote.

The direct primary is not a cure-all and it does not bring the millennium, but it does relieve many of the evils of former days, and it is a real school of political education for the so-called "common people." Active work by the rank and file is encouraged. The direct primary makes it easier for the ordinary voter to exert his influence in nominating the best choice of the people. It also enables each voter to be instrumental in defeating a conspicuously unfit person who makes a howl about indecency and corrupt politics and does not take a stand for definite policies and a constructive platform. This is the type that plays to the galleries and splits and straddles to suit the crowd to which he looks for support. This is also the type that deals in platitudes and generalities. They are for proper tariff and farm relief legislation, but do not say what kind of farm relief or tariff.

WHAT THE FUTURE OF THE COUNTRY DEPENDS UPON

The future of this country does not depend so much upon the young men who are trained in military camps to fight on short notice as upon the young men who are trained in their political party camps to take an active interest in politics from the standpoint of public needs and to be as fearless and brave in politics as they would be on the battle fields. Future wars could be averted and avoided if our men could be trained to prevent the causes and beginnings of war.

Main Street would have more influence at the Nation's Capitol than Wall Street if Main Street were only organized. The common people are like a horse in that they do not know and do not exert their strength. If they did, they would all pull together for the common good and not be guided by weak reins in the hands of selfish and unscrupulous leaders.

Let Main Street take the active hand it should in every political campaign in an effort to nominate to office the best men in each party, and then Main Street and not Wall Street will direct the policies of our Government and perpetuate the principles that were fostered and promulgated by its founders.

We should teach more practical politics and not merely the fundamental principles of government without any teaching of the practical procedures of government. We should quit teaching and preaching that all party government is bad, because it is not. We should make our nominations with a view to obtaining the best results in the direct or legalized primary.

We all agree that this is a great country, a country beyond all others in its opportunities and advantages. It is said that a country or organization is but a lengthened shadow of the individuals who compose it. That being true, let us realize and admit that this country of ours should be run by right-thinking human beings. Let us get into the running of it ourselves and see that the lengthened shadow is cast by men who stand squarely for the greatest good to the greatest number. Let all good men interest themselves not alone in studying the theory of government but also in finding out how to put their theories into practice. The philosophy of to-day is a doing philosophy, a philosophy of activity. Let us make a practical application of the principles for which we stand. We can do this by interesting ourselves in the party organization and participating actively in its primaries.

The next primary in this State will be held on Saturday, June 2, 1928. In order to perpetuate Democratic control we should attend the primaries and induce others to do so, for thus only by concerted effort can we hope to nominate and retain our most highly qualified candidates in public office.

WHAT WE SHOULD DO IN THE NEXT CAMPAIGN

Democrats should get behind a definite, constructive, progressive program. We never had a better opportunity than we have now to win a clean-cut victory; that is, if we will only act with wisdom and all pull together.

We should go into the next campaign upon a platform about which all Democrats and all other people of progressive ideas can rally. We should not listen to the beneficiaries of the Republican Party who creep into our party councils. They are trouble breeders, seeking always to inject issues that will divide the Democrats. I do not want Republicans and so-called "independents" to name our candidates and write our platform. I do not want to see them doing the things that we can and should do for ourselves.

We have a sacred duty to perform. Never did the great mass of common people in America need our party as it does to-day. With business failures more numerous than ever before, with agriculture paralyzed, bank failures increasing in an alarming degree, millions out of work, and the Government completely controlled and dominated by the ultra rich, it would be a national calamity for Democrats to divide over minor issues or fail to unite on major questions.

THE RECORD OF THE HARDING-COOLEDGE ADMINISTRATION

The record of the Harding-Coolidge administration is the issue upon which our next campaign should be waged—upon it we can not fail. Let our slogan be, "Thou shalt not steal."

The revelations of corruption in Indiana official circles are rivaled only by the saturnalia of corruption and scandalous misuse of power which began with the advent of the Republican Party following the splendid record of the Wilson administration. When Harding was elected the protective interests swarmed in the corridors of the Capitol, and they are still swarming there. Official corruption is the greatest danger that the American Nation is facing to-day. Witness the scandalous disclosures of the Walsh and Reed committees. One of the chief maneuvers of the Coolidge administration is to set up a shout of "Bolshevism" when an embarrassing situation arises. The commandment "Thou shalt not steal" was given to us by Moses and not by a bolshevist. Unfortunately it is a law that has been forgotten by the party which is in power at the present time.

WHAT THE REAL ISSUE SHOULD BE

Yes; the real issue in the next campaign should be the overthrow of the old Republican guard, through which the invisible government is exercising the powers of the people for its own private gain. Their method is to tax the masses for the profit of a favored few. Their prohibitive protective-tariff schedules which shelter private monopoly bring about an increased cost of the prime necessities of life. The poor man has to suffer to fill the coffers of the rich.

The low estate into which the personnel of the Federal Trade Commission has fallen, dominated and conducted as it is against the interest of those it was originally intended to protect, is to be regretted. It has to a large extent lost its usefulness. We must force the Interstate Commerce Commission to be more considerate of the people's interest in fixing passenger and freight rates. We must make the Federal reserve banking system serve the people and function as it did originally and as it was intended to do by Wilson and by Owen and Glass and the rest of the Democratic Congress who gave us the Federal reserve act. Instead of serving the people, it is being used to bankrupt the people for the benefit of those against whom it was originally directed. It was intended to prevent the invisible empires of greed from feasting and fattening upon ill-gotten gains.

We should give adequate relief to agriculture, flood control, and tax reduction, and we should make it possible for the great masses to have a breathing spell of equal opportunity with the favored interests. The farm bill is requested by agriculture as an experiment, at least, although it may not be entirely a certainty that it is workable. The great industrial enterprises and manufacturers in the East are highly favored; and why should not the farmers receive the same favors, for we can not now pull down the Chinese Wall of protection?

Another one of our jobs should be to make visible the invisible and lay bare their nefarious designs and iniquitous accomplishments. It is the Jeffersonian principles that we must follow and not the practices of Harding and Coolidge.

"If everybody tried to have his own way in all things, nobody would have his way in anything," is a statement that could never be more truly made than at the present time. We will lose the great issues by disputing over small matters, and then end by losing all. Against us will be all who have grown rich, and are growing richer through favoritism, and all special privilege hunters, the great forces which buy elections in States like Illinois and Pennsylvania.

While the Democrats do not desire and can not afford to make war on honest capital, it must be remembered and kept steadily in view that this Government was established for men and not for dollars. Corruption and favoritism walked in and took control on March 4, 1921, and have been in the saddle from that day until this. The scaly hand with long, bony fingers reached into the Navy, the Interior, and the Justice Departments and corrupted high officials.

The first act of Coolidge was to indorse Harding's administration. Harding appointed and Coolidge continued H. M. Daugherty as Attorney General until overpowering public sentiment drove him from office. President Coolidge never lifted a hand, ignoring the demand of the Senate that he compel the resignation of Attorney General Daugherty and Secretary of the Navy Denby. President Coolidge publicly defended and justified those men. He even certified to the integrity of his disreputable Cabinet member, Daugherty, but he finally had to back down under the glare of public indignation.

The Credit Mobilier and star-route scandal of the Grant administration are to me no comparison with the iniquities of the Teapot Dome and Elk Hill oil scandals, with Fall, Sinclair, Doheny, and Will Hays up to their necks, with their hands in graft and corruption.

Mellon and money have been the star of hope of this administration. Nine million dollars were saved to Mellon in individual taxes under his first proposed bill for reduction of revenue after he had disposed of his Overholt distillery holdings for \$15,000,000. Mr. Mellon, it is stated on good authority, raised \$2,000,000 to be used in the Pennsylvania Republican primary campaign two years ago. He said the expenditures for corrupting the electors in Pennsylvania were as justified as subscriptions or contributions to churches.

This administration settled with England at 3 per cent for the first three years and 3½ per cent thereafter. The difference in the rate of interest paid for money loaned to Great Britain by the United States and that which Great Britain has paid in return is \$25,747,000. The difference in the amount of interest compounded throughout the 66 years in which Great Britain has to pay is \$22,000,000,000. The Italian debt was settled at 21 cents on the dollar, thus escaping payment of \$1,612,000,000. Mellon and others offered to settle for less than 50 cents on the dollar. This would mean a saving to France of an enormous and almost inconceivable amount, not considering compound interest. The annual interest and charge which must be paid by our taxpayers for the money on that part of the debt thus transferred from European countries to America is \$105,617,000.

Morgan and his henchmen acquired many million dollars' worth of European securities at a large discount and then demanded cancellation of the debts due us by European countries for the loan of money which was borrowed in America at the usual rate of 6 per cent. Shall we stand idly by and permit our taxpayers to be robbed in this manner while the forces of darkness and iniquity grow fat upon the spoils?

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 11577) entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McNARY, Mr. JONES, Mr. KEYES, Mr. OVERMAN, and Mr. HARRIS to be the conferees on the part of the Senate.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1181. An act authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, a bill of the House of the following title:

H. R. 11020. An act validating certain applications for and entries of public lands.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 25, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, April 25, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

Authorizing the Secretary of the Treasury to accept a franchise from the government of the city of New York to change the routing of the pneumatic-tube service between the custom-house and the present appraisers' stores building (H. R. 13171).

COMMITTEE ON MINES AND MINING

(10 a. m.)

Authorizing an appropriation for the encouragement and benefit of the International Petroleum Exposition Corporation, of Tulsa, Okla. (H. R. 13150).

Authorizing an appropriation for development of potash jointly by the United States Geological Survey of the Department of the Interior and the Bureau of Mines of the Department of Commerce by improved methods of recovering potash from deposits in the United States (H. R. 496).

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 1

(10 a. m.)

To provide for the procedure in the trial of certain criminal cases by the district courts of the United States (H. R. 10639).

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

A meeting to consider bill before the committee concerning promotion and retirement.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act," approved June 3, 1924 (H. R. 10710).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To provide legal-tender money without interest secured by community noninterest-bearing 25-year bonds for public improvements, market roads, employment of unemployed, building homes for, and financing through community banks organized under State laws, its citizens, farmers, merchants, manufacturers, partnerships, corporations, trusts, or trustees, and for community needs of the United States (H. R. 12288).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. S. 1609. An act recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic*, *American Trader*, *President Roosevelt*, *President Harding*, and the British steamship *Cameronia*, and for other purposes; with amendment (Rept. No. 1371). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. H. R. 457. A bill to create a board of local inspectors, Steamboat Inspection Service, at Hoquiam, Wash.; without amendment (Rept. No. 1372). Referred to the Committee of the Whole House on the state of the Union.

Mr. STALKER: Committee on the District of Columbia. H. R. 10073. A bill to change the name of Railroad Avenue between Nichols Avenue and Massachusetts Avenue; with amendment (Rept. No. 1373). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McLEOD: Committee on the District of Columbia. S. 2511. An act to change the name of St. Vincent's Orphan Asy-

lum and amend the act entitled "An act to amend an act entitled 'An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia,' approved February 25, 1831"; without amendment (Rept. No. 1374). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 973) for the relief of estate of Katherine Heinric (Charles Grieser and others, executors), and the same was referred to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LANKFORD: A bill (H. R. 13291) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce; to the Committee on Agriculture.

By Mr. SPEARING: A bill (H. R. 13292) to extend the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNE: A bill (H. R. 13293) to amend sections 21 and 24 of the act of October 15, 1914 (secs. 386 and 389 of title 28 of the Code of Laws of the United States of America), relating to trial by jury in cases of indirect criminal contempts; to the Committee on the Judiciary.

By Mr. EVANS of Montana (by request): A bill (H. R. 13294) to provide for the payment to members of the Flathead Indian Tribe who have received patents in fee of their several shares of the equity of the tribal property; to the Committee on Indian Affairs.

Mr. HOWARD of Oklahoma: A bill (H. R. 13295) to provide for improvement of the Pawnee Indian School, Pawnee, Okla.; to the Committee on Indian Affairs.

By Mr. MORIN: A bill (H. R. 13296) to authorize the adjustment and settlement of claims for armory-drill pay; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 13297) to establish an experimental station and bass and trout hatchery in the State of Maryland; to the Committee on the Merchant Marine and Fisheries.

By Mr. NIEDRINGHAUS: A bill (H. R. 13298) authorizing J. H. Haley, his successor and assigns—or his heirs, legal representatives, and assigns—to construct, maintain, and operate a bridge across the Missouri River at or near a point where Olive Street Road, St. Louis County, Mo., if extended west would intersect the Missouri River; to the Committee on Interstate and Foreign Commerce.

By Mr. McKEOWN: Joint resolution (H. J. Res. 285) for the relief of the Iowa Tribe of Indians; to the Committee on Indian Affairs.

By Mr. RAMSEYER: Resolution (H. Res. 176) for the consideration of S. 3555, an act to establish a Federal farm board to aid in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BERGER: A bill (H. R. 13299) for the relief of Eustace Reynolds; to the Committee on Claims.

By Mr. BUTLER: A bill (H. R. 13300) for the relief of Capt. J. O. Faria; to the Committee on Claims.

By Mr. BULWINKLE: A bill (H. R. 13301) for the relief of R. A. Mayer; to the Committee on Claims.

By Mr. CARTER: A bill (H. R. 13302) granting a pension to the survivors of the Jeanette relief expedition; to the Committee on Pensions.

By Mr. CRAIL: A bill (H. R. 13303) for the relief of Clyde Smith; to the Committee on Military Affairs.

By Mr. DICKINSON of Missouri: A bill (H. R. 13304) granting an increase of pension to Belle F. Shideeler; to the Committee on Invalid Pensions.

By Mr. DOUGLASS of Massachusetts: A bill (H. R. 13305) for the relief of Charles Ghisoni; to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 13306) to authorize the appointment of Technical Sergt. Tom Bowen as a warrant officer, United States Army; to the Committee on Military Affairs.

By Mr. GOLDER: A bill (H. R. 13307) granting a pension to Mary A. Fitzpatrick; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 13308) granting an increase of pension to Rachel McKinney; to the Committee on Invalid Pensions.

By Mr. RUTHERFORD: A bill (H. R. 13309) granting a pension to William D. Pearson; to the Committee on Pensions.

By Mr. SANDERS of New York: A bill (H. R. 13310) for the relief of the Palmer Fish Co.; to the Committee on Claims.

By Mr. SPROUL of Kansas: A bill (H. R. 13311) granting an increase of pension to Mary A. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13312) granting a pension to Catherine Bloom; to the Committee on Pensions.

Also, a bill (H. R. 13313) for the relief of Mrs. W. H. DeLong-Wheeler; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 13314) granting a pension to Drusey Owens; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 13315) granting a pension to Charlie Sparks; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 13316) granting an increase of pension to Hollis J. Ellingwood; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7169. Petition of board of directors of the American Society of Civil Engineers, Washington, D. C., commending the President with reference to progress for control of the Mississippi River floods; to the Committee on Flood Control.

7170. Petition of Montana Stockgrowers' Association, Montana, relative to American beef for American Army and Navy, and extending consideration to inland abattoirs; to the Committee on Military Affairs.

7171. By Mr. BOYLAN: Petition of New York branch of National Custom Service Association of Employees, favoring House bill 13143, to adjust the salaries of custom employees; to the Committee on the Civil Service.

7172. By Mr. ESTEP: Resolution by the Chamber of Commerce, of Pittsburgh, Pa., urging defeat of Senate bill 2407 and House bill 470; to the Committee on Foreign Affairs.

7173. By Mr. HOPE: Petition signed by residents of Liberal, Kans., protesting against the passage of House bill 78 and other Sunday legislation; to the Committee on the District of Columbia.

7174. By Mr. HUDSON: Petition of citizens of Flint, Mich., urging consideration of national flood control and the adoption of such laws as will insure the impounding of unrestricted waters and thus effectively eliminate the annual danger so destructive to life, health, and property, and at the same time safeguarding the rights and interests of our citizens; to the Committee on Flood Control.

7175. By Mr. JOHNSON of Texas: Petition of George O. McMillan, president Westminster College, Tehuacana, Tex., opposing Senate bill 1752, to prevent printing of return address on stamped envelopes by the Post Office Department; to the Committee on the Post Office and Post Roads.

7176. By Mr. KADING: Petition signed by Civil War veterans, widows, and dependents residing in in Sheboygan, Wis., and vicinity, urging that immediate steps be taken to bring to a vote a Civil War pension bill for veterans and widows of veterans; to the Committee on Invalid Pensions.

7177. By Mr. LINDSAY: Petition of Anchor Club, New York Post Office, praying that the Lehlbach retirement bill with its amendments be brought out of committee and enacted into law at this session of Congress; to the Committee on the Civil Service.

7178. Also, petition of Paper Cutters, Binding Machine Operators, and Embossers' Protective Union, No. 119, New York City, urging favorable action on the Griest postal bill; to the Committee on the Post Office and Post Roads.

7179. Also, petition of Mailers' Union, No. 6, New York City, urging favorable action on the Griest postal bill; to the Committee on the Post Office and Post Roads.

7180. Also, petition of Bindery Women's Union, New York City, urging support of the Griest postal bill; to the Committee on the Post Office and Post Roads.

7181. Also, petition of Allied Printing Trades Council of Greater New York, composed of 21 affiliated organizations, urging support of the Griest postal bill; to the Committee on the Post Office and Post Roads.

7182. Also, petition of National Customs Service Association, signed by 41 citizens of Brooklyn, N. Y., urging speedy passage of House bill 13143, providing for an adjustment of salaries paid to customs employees; to the Committee on Ways and Means.

7183. By Mr. McSWEENEY: Papers in support of House bill 13261, granting a pension to Jennie Messer; to the Committee on Invalid Pensions.

7184. By Mr. MORROW: Petition of citizens of Fort Bayard, N. Mex., indorsing House bill 5477, to extend presumptive limit for tubercular veterans to September 1, 1928; to the Committee on World War Veterans' Legislation.

7185. By Mr. O'CONNELL: Petition of the Anchor Club, New York Post Office, appealing for the consideration of the Lehlbach retirement bill (H. R. 25); to the Committee on the Civil Service.

7186. By Mr. QUAYLE: Petition of United States Customs Inspector's Association of the Port of New York, favoring the passage of the Lehlbach retirement bill (H. R. 25); to the Committee on the Civil Service.

7187. Also, petition of Anchor Club, New York Post Office, favoring the passage of the Lehlbach retirement bill (H. R. 25); to the Committee on the Civil Service.

7188. By Mr. McREYNOLDS: Petition of 118 adult citizens of Ooltewah, Hamilton County, Tenn., protesting against the passage of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

7189. By Mr. SEARS of Nebraska: Petition of civic and commercial organizations and municipalities of Nebraska, indorsing source, tributaries, flood control, and retention of flood waters in areas in which they originate; to the Committee on Flood Control.

7190. By Mr. STALKER: Petition of sundry citizens of Bath, N. Y., urging the enactment of legislation for an increase in pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7191. Also, petition of sundry citizens of Watkins Glen, N. Y., urging the enactment of legislation for an increase in pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, April 25, 1928

(Legislative day of Friday, April 20, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had adopted a concurrent resolution (H. Con. Res. 32) providing that the action of the Speaker of the House and the Vice President in signing the joint resolution (H. J. Res. 244) authorizing the modification of the adopted project for Oakland Harbor, Calif., be rescinded, etc.

The message also announced that the House had passed the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 1181) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, and it was signed by the Vice President.

PRINTING OF FLOOD CONTROL BILL

Mr. JONES subsequently said: Senate bill 3740, the flood control bill, has come from the House with quite a number of amendments. I ask unanimous consent that the bill may be printed with the House amendments numbered.

The PRESIDING OFFICER (Mr. McNARY in the chair). Without objection, it is so ordered.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Kendrick	Sackett
Barkley	Edwards	Keyes	Schall
Bayard	Fess	King	Sheppard
Bingham	Fletcher	La Follette	Shortridge
Black	Frazier	Locher	Simmons
Blaine	George	McKellar	Smith
Blease	Gerry	McMaster	Smoot
Borah	Gillett	McNary	Steck
Bratton	Goff	Mayfield	Stephens
Brookhart	Gooding	Metcalf	Swanson
Broussard	Gould	Moses	Thomas
Bruce	Greene	Norbeck	Tydings
Capper	Hale	Norris	Tyson
Caraway	Harris	Nye	Wagner
Copeland	Harrison	Oddie	Walsh, Mass.
Couzens	Hawes	Overman	Walsh, Mont.
Curtis	Hayden	Phipps	Warren
Cutting	Heflin	Pittman	Waterman
Dale	Howell	Ransdell	Wheeler
Deneen	Johnson	Reed, Pa.	
Dill	Jones	Robinson, Ind.	

Mr. CARAWAY. I desire to announce that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is detained from the Senate because of illness.

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

CORRECTION OF ERROR IN ENROLLMENT

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 32) of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and the Vice President in signing the joint resolution (H. J. Res. 244) authorizing the modification of the adopted project for Oakland Harbor, Calif., be rescinded and that in the enrollment of said joint resolution the word "June" be stricken out and the word "January" be inserted in lieu thereof.

Mr. CURTIS. I ask that the Senate concur in the resolution. The concurrent resolution was considered by unanimous consent and agreed to.

MARTHA A. HAUCH

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1368) to extend the benefits of the employees' compensation act of September 7, 1916, to Martha A. Hauch, which was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$2,000 to Martha A. Hauch, formerly a nurse in the service of the United States Army, who contracted tuberculosis while on duty at Walter Reed General Hospital from September 16, 1922, to August 22, 1924; and that said Martha A. Hauch shall be admitted to such Army hospital as may be directed by the Surgeon General of the United States Army for necessary care and treatment.

Mr. SWANSON. I move that the Senate concur in the House amendment.

The motion was agreed to.

PETITIONS AND MEMORIALS

Mr. WARREN presented a resolution adopted by the Chamber of Commerce, of Casper, Wyo., favoring the establishment and maintenance of a mining experiment station at Laramie, Wyo., which was referred to the Committee on Mines and Mining.

He also presented a letter in the nature of a memorial from John J. Spriggs, of Lander, Wyo., remonstrating against the passage of Senate bill 1752, the so-called Oddie bill, to regulate the manufacture and sale of stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRUCE presented a petition of sundry citizens of Baltimore, Md., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. COPELAND presented a petition of sundry citizens of Brooklyn, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. ASHURST presented a resolution adopted by Morgan McDermott Post, No. 7, the American Legion, of Tucson, Ariz., relative to the so-called Swing-Johnson bill, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas it has come to the notice of Morgan McDermott Post, No. 7, the American Legion, Tucson, Ariz., that the proponents of the Swing-Johnson bill are urging the passage of a bill to construct a dam in the Colorado River; and